

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 15718) granting a pension to Dorcas A. Wilcox; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 15719) granting back pension due to John J. Haggerty; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 15720) granting a pension to Susan L. Paul; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 15721) granting a pension to Harriet B. S. Soliday; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 15722) granting a pension to Isaac E. McClure; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 15723) granting an increase of pension to John C. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15724) granting an increase of pension to Sarah A. Brewer; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 15725) granting a pension to Cerelda A. Robbins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4943. By the SPEAKER (by request): Petition of National Grape Growers' Association of America, urging bonus for World War veterans; to the Committee on Interstate and Foreign Commerce.

4944. By Mr. EMERSON: Petition of American Association of State Highway Officials, favoring the McArthur bill (H. R. 14905); to the Committee on Roads.

4945. By Mr. GRIEST: Petition of S. E. Wanner, George W. Hoffer, Ezra R. Hegy, E. S. Rutt, John K. Zeamer, J. R. McLanahan, and Horace C. Wanner, all rural mail carriers of Lancaster, Pa., suggesting a new scale of compensation for rural mail carriers; to the Committee on the Post Office and Post Roads.

4946. By Mr. LINTHICUM: Petition of V. J. Blondell, of Baltimore, Md., concerning the American Legion bill; to the Committee on Ways and Means.

4947. Also, petition of C. J. Symington, of Baltimore, Md., concerning the collection of funds from Government by railroads; to the Committee on Interstate and Foreign Commerce.

4948. Also, petition of State game department, E. Lee Le Compte, of Baltimore, Md., concerning House bill 14757; to the Committee on Agriculture.

4949. By Mr. McLAUGHLIN of Michigan: Petition of residents of Arcadia, Mich., protesting against the occupation of Germany by French Negro troops; to the Committee on Military Affairs.

4950. By Mr. NEWTON of Minnesota: Petition of International Association of Machinists, Lodge No. 91, to encourage trade with soviet Russia; to the Committee on Foreign Affairs.

4951. Also, petition of Mrs. Julia Saxton, Mrs. Mabel L. Smith, Mrs. E. C. Hanson, and sundry citizens of Minneapolis, Minn., opposing the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4952. Also, petition of International Association of Boiler Makers and Iron-Ship Builders and Helpers of America, favoring a bonus of \$240 for employees of navy yards and arsenals for the incoming fiscal year; to the Committee on Appropriations.

4953. By Mr. OGDEN: Petition of the Monday Afternoon Club, of Louisville, Ky., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4954. Also, petition of L. L. D. Club of the Young Women's Christian Association, of Louisville, Ky., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4955. Also, petition of the Crescent Hill Woman's Club, of Louisville, Ky., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4956. By Mr. SIEGEL: Petition of New York County organization of the American Legion, in opposition to the Sunday blue laws; to the Committee on Interstate and Foreign Commerce.

4957. By Mr. TEMPLE: Testimony in support of House bill 15681, granting an increase of pension to Ulysses Grant Kirker; to the Committee on Invalid Pensions.

SENATE.

FRIDAY, January 14, 1921.

(Legislative day of Thursday, January 13, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM OHIO.

Mr. POMERENE. Mr. President, I send to the desk the commission issued to Hon. FRANK B. WILLIS as a Senator from the State of Ohio under appointment by Gov. Davis to succeed Hon. WARREN G. HARDING.

The VICE PRESIDENT. The credentials will be read.

The Assistant Secretary read the credentials, and they were ordered to be placed on file, as follows:

In the name and by the authority of the State of Ohio; Harry L. Davis, governor of said State, to all to whom these presents shall come, greeting:

Know ye, that whereas FRANK B. WILLIS, of Delaware County, Ohio, has been duly appointed to the office of United States Senator from Ohio:

Therefore, by virtue of the power vested in me by the constitution, and in accordance with the provisions of the laws, I do hereby commission him, the said FRANK B. WILLIS, to be United States Senator from Ohio, as aforesaid, authorizing and empowering him to execute and discharge, all and singular, the duties appertaining to said office, and to enjoy all the privileges and immunities thereof for the unexpired term of Hon. WARREN G. HARDING, resigned.

In testimony whereof I have hereunto subscribed my name and caused the great seal of the State of Ohio to be affixed at Columbus this 10th day of January, in the year of our Lord 1921.

[SEAL.]

By the governor:

HARRY L. DAVIS, Governor.

HARVEY C. SMITH,
Secretary of State.

Mr. POMERENE. Mr. President, I have the pleasure of announcing that Mr. WILLIS is present in the Chamber and ready to be sworn in.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Senator appointed will present himself at the Vice President's desk and take the oath of office.

Mr. WILLIS, escorted by Mr. POMERENE, advanced to the Vice President's desk, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

EMERGENCY TARIFF.

Mr. WARREN. Mr. President, I have a message in the way of a petition from the governor of the State of Wyoming, who telegraphs as follows:

Wyoming Legislature in session this morning unanimously passed a resolution requesting Congress to enact into law the emergency tariff bill.

The governor adds:

Am most hopeful that Congress may at an early date enact this measure into law, as I feel it will do much to help the agricultural interests of the Nation at this time.

R. D. CAREY, Governor.

The VICE PRESIDENT. The telegram will be referred to the Committee on Finance.

ENFORCEMENT OF PROHIBITION.

Mr. SHEPPARD. Mr. President, I send to the desk a telegram, and ask that it may be read for the information of the Senate.

The VICE PRESIDENT. Without objection, the telegram will be read.

The telegram was read and ordered to lie on the table, as follows:

NEW YORK, N. Y., January 11, 1921—5 p. m.

HON. MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Federal Council Churches of Christ in America, representing 30 great Protestant denominations with 30,000,000 members at great meeting, Boston, December 6, unanimously and emphatically adopted following resolution:

"Prohibition of the liquor traffic should be judged not by results where the law is flagrantly violated, but by its results in communities where the law has been efficiently enforced. In order that the will of the people in the adoption of the eighteenth amendment may be carried into effect, we urge that an appropriation be made by Congress of whatever amount may be necessary for the effective enforcement of national prohibition."

Federal council confidently expects Congress to support law enforcement wholeheartedly with adequate appropriations. Certainly not less than the seven and one-half million asked by department.

BISHOP JAMES CANNON,

Chairman Business Committee Federal Council.

FRENCH COLONIAL TROOPS ON RHINE BORDER.

Mr. SPENCER. I ask to have printed in the Record a communication to the Senate resulting from a mass meeting of Catholic parishes in the city of St. Louis regarding the presence and action of French colonial troops upon the Rhine border.

There being no objection, the communication was referred to the Committee on Military Affairs and ordered to be printed in the Record, as follows:

ST. LOUIS, Mo., January 10, 1921—6 p. m.

Hon. SELDEN P. SPENCER,

United States Senator from Missouri, Washington, D. C.:

At a mass meeting of Catholic parishes of the city of St. Louis, called and held this 9th day of January, 1921, for the purpose of aiding in the work of alleviating the distress in central Europe, it was unanimously resolved that one of the most cruel causes of outrage, mental torture, and distress was the presence and action of the French colonial troops in the Rhine regions.

The mass meeting appointed a suitable committee to collect money and clothes to alleviate the distress caused by hunger, sickness, and lack of fuel and clothes. It was also unanimously resolved that we ask Hon. JAMES A. REED and SELDEN P. SPENCER, Senators from Missouri, (1) to urge the State Department to request the French Government for early, complete, and final withdrawal of troops of African and Asiatic origin from the occupied territory of the German people; (2) to also present this request to the honorable the United States Senate; (3) to advise the undersigned chairman of the meeting of the result of this action.

Rev. JOSEPH F. LUBELEY, Chairman,
3519 North Fourteenth Street.
F. BROCKLAND, Secretary.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 244) providing for the payment of expenses of conveying votes of electors for President and Vice President, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a communication from J. Cameron Jenkins, industrial commissioner of the Minneapolis Civic and Commerce Association, in relation to the proposed imposition of a tariff duty on Canadian lumber, giving a summary of an investigation among members of that association as to their attitude on the subject, and showing that the majority are not in favor of placing a duty on such lumber, which was referred to the Committee on Finance.

He also presented a memorial of the Crookston Lumber Co., of Minneapolis, Minn., remonstrating against the enactment of legislation placing a duty on Canadian lumber, which was referred to the Committee on Finance.

He also presented a resolution of the Chamber of Commerce of Minneapolis, Minn., giving rules under which farmers' selling agencies may be admitted as members of such organization, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a resolution adopted by Local Union No. 2742, United Mine Workers of America, of Carneyville, Wyo., favoring an old-age pension law for superannuated industrial workers, which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a memorial of sundry jewelers of New Haven, Conn., remonstrating against the enactment of legislation placing a tax on jewelry, which was referred to the Committee on Finance.

He also presented memorials of the Woman's Club of Enfield, of Thompsonville, Conn., and the Mosaic Club of Bridgeport, Conn., remonstrating against the enactment of legislation commercializing the national parks, which were referred to the Committee on Commerce.

He also presented memorials of the Polish American Republican Club, of Hartford, Conn., and organized Polish clubs of Meriden, Conn., remonstrating against the enactment of legislation restricting the immigration of aliens, which were referred to the Committee on Immigration.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4844) granting a pension to Abner B. Harris (with accompanying papers); to the Committee on Pensions; and
A bill (S. 4845) to protect the name and insignia of the World War organizations; to the Committee on Military Affairs.

By Mr. HALE (by request):

A bill (S. 4846) to give effect to article 7½ of a convention between the United States of America and other powers for the protection of industrial property, signed at Washington, June 2, 1911, and for other purposes; to the Committee on Patents.

By Mr. JOHNSON of California:

A bill (S. 4847) granting an increase of pension to Mollie M. Wilkerson;

A bill (S. 4848) granting a pension to Frank Dixon;

A bill (S. 4849) granting a pension to J. B. Hicks; and

A bill (S. 4850) granting an increase of pension to Henry O. Welton; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4851) for the relief of Sarah E. Church; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 4852) for the relief of C. F. E. Petersen; to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. JOHNSON of California submitted an amendment proposing to appropriate \$10,000 for the conduct of investigations in the development and standardization of methods of preservation of Pacific coast fishes, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment, with accompanying papers, proposing to appropriate \$350,000 for topographic surveys in various portions of the United States, including lands in national forests and in St. Louis, Lake, and Cook Counties, Minn., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

LIBRARY INFORMATION SERVICE.

Mr. McLEAN. Mr. President, I wish to present to the Senate a few observations in support of the bill (S. 2457) to provide for a library information service in the Bureau of Education. The bill was reported by the Committee on Education and Labor favorably, and is upon the calendar; and I think for variety sake the Senate will be glad to have its attention diverted from the pending measure for a few moments to one which, if enacted into law, will be of real and lasting benefit to the American people.

Mr. President, the bill to which I refer proposes to make available to the Federal Government the services of the libraries of the United States as centers for the dissemination of information prepared by the Government for the people. A full explanation of its purposes and proposed methods of work was given in the hearings on S. 2457, September, 1919, and on H. R. 6870, August, 1919. Comprehensive summaries will be found in Senate Report 167 and House Report 302.

Mr. President, the libraries are especially fitted to place Government printed matter before the people, because they are supported by the taxes of the people for the benefit of the people, and are nonpartisan in their attitude, because they were established and are maintained for the purpose of providing the people of the United States with printed matter along educational and informational lines.

It is a library's function to make printed information of national import easily accessible to the public. The proposed service is expected to serve as a clearing house through which information in hundreds of offices will be made available to librarians who have at present no satisfactory means of knowing in which of these hundreds of offices a particular piece of information is located. It is also expected to prepare comprehensive digests of current printed matter issued by the United States Government of which librarians should be informed. This service would benefit the Government, the libraries, and the people.

In December, 1919, the Boston Public Library started a local Government information service. There being no established library information office in the Government, it was necessary for the Boston Public Library to establish direct communication with some 200 Government offices. This Boston service is now supplying hundreds of citizens with current information on Government affairs. A little four-page monthly sheet entitled "News Notes on Government Publications," printed for the staff of the Boston Public Library, is sent by request to 30 States. One or two quotations from recent letters show that it has met a very definite need. The librarian of the Omaha (Nebr.) Public Library writes:

We need the bulletin; it is an inspiration that should have sprung into being decades ago; it is a guiding star and a wonderful time-saver for every Government depository.

The librarian of the Cleveland (Ohio) Public Library writes:

We have found the news notes on Government publications of very great service to us, and we could use 50 copies of it right here in our own library.

The librarian of a Boston business library writes:

What could be more stupid than for the Government to go on spending vast sums of money in research of one kind and another and vast sums in publishing its results and leave undone the one item of expenditure that can make these precious labors available to those whom they are intended to benefit. I haven't the slightest doubt that such a service as you have proposed and have tried in a small way to render at the Boston Public Library would prove of constant and increasing value to business and commercial interests.

Mr. President, the Bureau of Education is the logical place for the proposed service. One of the main duties with which

this bureau is charged is, "To promote the cause of education throughout the country." The cause of education can not be better promoted than by making the people real partners in the Government through providing them with the means of becoming acquainted with Government affairs and actions, by recognizing the fact that the proposed library information service and by authorizing its establishment in the Bureau of Education the Government will gain the interested help of thousands of patriotic librarians who will gladly take the responsibility of placing Government publications in the hands of their patrons. It goes without saying that the people will more intelligently and wholeheartedly support a Government which is made a vital part of their daily lives than one whose affairs are considered none of their business. The service should be conducted along educational lines through educational institutions; it therefore belongs with that established branch of the Government charged with the duty of promoting the cause of education throughout the country.

This service is not a duplication of any of the various information and publicity services scattered through the departments. Each one of these services issues highly specialized information along the line of the work carried on by the bureau in which it is located. The proposed library information office should serve as a library clearing house for specialized information prepared by such offices as the Geological Survey, Census, Crop Estimates, and Internal Revenue.

Through this clearing house specialized information would be made available to libraries, and through libraries to those who need it and do not at present know where to find it. Specialized services will always be needed in those departments of the Government which deal with matters concerning the daily lives and business of the citizens of these United States, but, as they are carried on at a great expense for the benefit of the people, it is fitting that the results achieved should reach as great a number of the people as possible through such a central information service as the one proposed.

In the opinion of those who have made a study of this subject, this service does not duplicate the work of the Library of Congress. The only duplication pointed out is based on a remark made on page 7 of the hearing on H. R. 6870:

Catalogue cards should be sent with the material, and it should be made accessible as soon as received.

These cards should not in any sense be a duplication of the carefully edited Library of Congress cards, but would be in the form of temporary ready-reference slips for immediate use in the public card catalogue of a library, pending the arrival of the Library of Congress cards. This is a mere minor detail of operation which would be a convenience, not a necessity.

The office of the superintendent of documents is not the logical place for this service, as is claimed by the opponents of this measure. The functions of the superintendent of documents office, as assigned by the act of January 12, 1895, are interpreted by that office as follows:

1. To sell at cost any public document in its charge, the distribution of which is not specifically directed in the law.
2. To receive from any Government office any document published for sale, which sale must be made under the provisions of section 61.
3. To have general supervision of the distribution of all public documents (with exceptions as enumerated in the law).
4. To prepare and print at the close of each Congress a comprehensive index (Document Catalogue) of public documents.
5. To prepare and print at the close of each regular session of Congress a consolidated index (Document Index) of congressional documents.
6. To index such single volumes of documents as the Joint Committee on Printing shall direct.
7. To receive all accumulations of documents from the several executive departments, bureaus, and offices of the Government, and annually to take over their surplus for distribution or sale.
8. To prepare and publish a monthly catalogue of Government publications, which shall show the documents printed during a month, where obtainable, and the price thereof.
9. To thoroughly investigate the condition of the designated depositories.
10. To distribute the documents as issued to the designated depositories.

A careful study of these functions will convince any unprejudiced person that they do not include such an educational service as the one proposed.

The "overhead" carried by the bill would not be eliminated by requiring the library information service to be carried by the superintendent of documents. If the superintendent of documents office could perform the services of the proposed

library information office in addition to the work now required without further appropriation, why is the required work of the documents office months behind? Up to December 10, 1920, no document catalogue had been issued since that one which covered the period from July 1, 1913, to June 30, 1915. No new edition of the Check List had been issued since that which included the publications of 1909. No Documents Index has been issued since that of the third session of the Sixty-fifth Congress, ending March 4, 1919. Persons capable of judging report that there is no more hard-worked set of people in the Government than the small but faithful and efficient staff of the documents office. It would seem "a more logical plan" to add a sufficient number to the force needed to carry on the distributing and expert indexing and cataloguing, which is the legitimate business of the office, than to add another service of a nature entirely foreign to its prescribed duties.

Mr. President, in pointing out the supposed duplication which would result from the creation of a library service as proposed by the bill, the superintendent of documents listed as follows some of the duties which he thought would be common to both his office and the library service if established in the Bureau of Education:

1. Collecting and organizing information relating to Government publications.
2. Maintaining a current file of Government publications.
3. Preparing bibliographical material.
4. Distributing Government publications to libraries.
5. Answering requests for information from libraries.
6. Routing requests where they belong.

It is the well-considered opinion of framers of this bill that such duplication would not occur. A brief explanation of these duties will show that it was a misinterpretation of their scope which prompted the assumption that duplication would result from the proposed legislation.

Collecting information does not mean collecting every Government publication issued. It means just what it says—"collecting information" with regard to the work and functions of the various Government departments. This is sometimes obtained from printed matter; sometimes from personal interviews or letters, often through departmental news releases and even newspaper clippings. A collection of this kind furnishes a basis for such studies as Bulletin No. 74 of the Bureau of Education, entitled "The Federal Executive Departments as Sources of Information for Libraries."

Again, the current printed matter referred to is that which would be needed for ready reference in preparing the suggested digests or news notes on Government publications. On receipt, these publications would be placed in a vertical file behind index guide cards. They would not be catalogued as at the Library of Congress or the office of superintendent of documents, and when they have served their purpose as current material they could be passed on to the department library.

It is not meant, according to the language or the intention of this bill, that the library information office should prepare bibliographical material with regard to the "distribution of Government publications to libraries," "the requests for information from libraries," and "the routing requests."

I will say that this bill does not provide that the library information office should distribute printed matter to libraries. The words "make available to the libraries of the United States the sources of such information" have been commented on as follows:

The only way in which such "sources" could be made available would be by the distribution of the publications which are the "sources" referred to by the bill.

This is a misinterpretation. The sources referred to are the offices issuing the publications. At present it is sometimes necessary for a library to apply for publications to 20 or more different offices in a month. Under this plan, if a librarian is fortunate enough to guess correctly what bureau to ask for a given piece of information, he may in time receive it. The proposed office will relieve the librarians of the country from the burden of keeping up with the shifting functions of the bureaus from which information must be sought. When a question arises, the librarian need only send it to the proposed library information office in Washington, that office would then route his request to the proper bureau, which would order the requisite publication to be sent him from the documents office.

I wish to emphasize the fact that this bill is not intended to create a demand for further output of free printed matter, but to provide for an economical placement of that printed matter already authorized, of which, according to Senator Smoot's statement, from \$500,000 to \$1,000,000 worth is wasted yearly. It is probable that a demand would be created for printed matter with a price. The cost of this material is so much

less than that of works published by private firms that librarians would undoubtedly welcome the opportunity to purchase publications of which they were intelligently informed.

Mr. President, as to cost, the facts gathered from the last report of the Public Printer are as follows: The cost of such informational publications as we have been referring to was during the fiscal year ending June 30, 1920, over \$6,800,000. Four hundred and seventy-six depository libraries received \$105,000 worth of publications. This means an automatic distribution to libraries of about one sixty-fifth of the value of the entire output. If even one twenty-fifth instead of one sixty-fifth could be intelligently distributed to and properly administered by libraries, the supporters of this bill believe an extended and intelligent use of Government publications would result.

The libraries of the United States could be adequately provided with publications desired. It is estimated that of the bulletins restricted, a free distribution to 600 or 700 libraries should be sufficient. Of very popular bulletins, like those of the Bureau of Education, the Geological Survey, and the Bureau of Mines, editions of from 10,000 to 12,500 are authorized. The bulletins of the Department of Agriculture, not exceeding 100 octavo pages each, are unlimited as to the number of copies which may be printed, editions sometimes running to over 50,000 copies. Through the educational advertising suggested, libraries could be made aware of the value of the printed matter issued by the Federal Government and, when necessary, would readily pay a price which is always far less than that charged for similar matter issued by other publishing houses.

Many libraries do not properly administer the printed matter now received. Librarians are very busy people and need to be reminded of the good things offered by the Government through the kind of educational advertising which it is the duty of an educational service such as that proposed to maintain.

The Committees on Education of both House and Senate have favorably reported the bill after listening to discussions covering 12 printed pages. The American Library Association has twice indorsed the bill and urged its passage. The League of Women Voters and numerous civic organizations have indorsed it. Two Secretaries of the Interior Department have signified their unqualified approval of the service after a thorough examination of the plans proposed, and the Vice President elect has written with regard to it, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
State House, Boston, December 1, 1919.

MR. CHARLES F. D. BELDEN,
Public Library, Boston, Mass.

DEAR MR. BELDEN: You are to be most heartily congratulated upon the public-spirited action you have taken in preparing for an up-to-date Government news service in the Boston Public Library. It is to be sincerely hoped that Congress can at an early date pass the measure empowering the Interior Department, through the Bureau of Education, to establish an office which will make it possible to open this service to the public.

The stability of our Government depends on the loyalty of the citizens of the United States, who are, in the final analysis, the Government. Nothing will insure that loyalty more effectively than a knowledge of the functions and actions of that Government which libraries, above all institutions, are qualified to make clear to the people.

Very truly, yours,

CALVIN COOLIDGE.

Mr. President, as amended, this bill calls for an appropriation of \$18,700 over and above the usual appropriation allotted to the Bureau of Education for the work at present performed. This sum is less than 2 per cent of the amount estimated to be wasted in the Government publications not now available to the people of the United States. The sentence containing the clause, "unless previously authorized by law," fixes a limit on the amount to be expended for the purposes named, and no greater amount can be expended unless by permission of Congress, except that, by order of the head of the department, the lump sum for travel expenses and the allotment for printing may be drawn upon if necessary.

The "National Library Service," which existed for six months in the Interior Department under the emergency fund and performed duties similar to those outlined, cost the department for those six months, for salaries and for six issues of Library Information Bulletins, averaging 30 pages each, and one issue of an information bulletin of 100 pages (10,000 copies of each issue) about \$6,000. This sum did not include field service, travel, nor office supplies.

If the education of the American people with regard to the functions and actions of their Government is an economy measure, this bill is one of the most economical measures ever reported by congressional committees. Even if it must be considered purely from a dollars-and-cents point of view, it will stand the test. Wasted goods to the value of nearly \$1,000,000 are a dead loss. Senator Smoot recently said, "It would be more accurate to estimate the waste in Government publications

to be nearly a million dollars a year." If for \$18,700, which is about one fifty-fourth of a million, even one-tenth of the material could be salvaged, the new office would have justified itself as an economy measure. The American people support expensive research sections in practically every department of the Government. It is their right to have access to the results of this work which appear in printed form. It is, therefore, not ruthless elimination of valuable publications that is required, but educational advertising and intelligent placing of this printed matter.

Moreover, the bill will be a great time saver for Members of Congress in that their constituents who want public documents will soon acquire the habit of securing the information desired at the local libraries instead of writing to Members of the House and Senate, and my hope is that for this reason and the many other reasons which I have stated, the Senate will take the bill up for action in the near future.

FREIGHT RATES ON PERISHABLE PRODUCTS.

MR. TRAMMELL. Mr. President, I am very heartily in sympathy with the remarks that have been made in behalf of the establishment of the nitrate plant with a view to giving more reasonable fertilizers to the agricultural interests of our country. I fully appreciate the merits of the pending bill and am giving it my most hearty support.

There is, however, another peril that I see at the present time that hangs over the farming interests of our country, particularly the producers of perishable products. I refer to the excessive freight rates that are being charged upon perishable products. With the enormous increase which was made upon all other commodities, a like increase was made upon citrus fruits, upon the products of the truck farm, upon peaches, apples, and other fruits in other sections, and including all those products that may be generally classed as perishable products. In my State to-day the producers are being confronted with a condition which requires them to market their products at the pre-war prices, and at the same time they are being charged extortionate freight rates that were fixed at a time when the prices of all commodities were high, and naturally fixed at a time when the producer was better able and the consumer was better able to pay upon the basis of the increased freight rates.

I wish to bring to the attention of the Senate, and also to the attention of the Interstate Commerce Committee, a telegram received by me from the president of the Florida Citrus Fruit Exchange:

TAMPA, FLA., January 8, 1921.

HON. PARK TRAMMELL,
Senate Office Building, Washington, D. C.:

Your aid and assistance is asked for movement we have started for institution prewar freight rates as emergency rates now to enable movement of crops to market. During past 30 days wholesalers and retailers have scaled down prices and accepted enormous adjustment losses, thereby stimulating buying demand but at lessened purchasing power. New level of prices must be recognized and cost of production, gathering, packing, and transportation reduced sufficiently to yield profit to producers on new prices. Apparently neither railroads nor producers prosperous under present conditions. Producers of perishable foodstuffs are being compelled to sell their products at prewar prices, and it is going to be necessary for carriers to offer transportation on some basis of readjustment which will allow these products to go forward, thus avoiding loss to railroads of this immense tonnage and misfortune to producers. Unless relief is given many farmers will be ruined and our State tremendously damaged.

J. H. ROSS,
President Florida Citrus Exchange.

Mr. President, I think the condition is one that calls for and demands some immediate relief. There are two courses through which this relief can be granted. One is by a voluntary action on the part of the railroads of the country that are handling this perishable freight—and they should extend the relief. The other is an enactment by Congress calling upon the Interstate Commerce Commission to take steps immediately to revise the tariff upon perishable products to meet the situation. It is not only detrimental to the producer of the perishable foodstuff to be subjected to excessive and exorbitant freight rates, but, in my opinion, it is detrimental to the interests of the transportation companies.

If you discourage and hamper production, if you curtail the activities in any particular industry which furnishes business to the transportation companies, you necessarily reduce the railroad tonnage and affect the business of the common carrier. I was apprehensive when Congress enacted the present railroad law, especially for the interests of my own State, that it was authorizing rates which would prove very detrimental and serious to our industries; more particularly to the citrus fruit industries and to the producers of perishable products generally. I opposed the measure because I feared the rates would be fixed too high.

Perishable products have to be placed upon the market at a given time. They have to be offered for sale when matured,

and can not be marketed over an extended period, as may be done with more staple products. Consequently, if you have an exorbitant and excessive freight rate, your perishable products do not carry into the markets where they are sold an increased price on account of the excessive rates. The farmer, the fruit grower, is willing to pay reasonable transportation charges, but he does not wish to give all his profit to the common carriers.

I bring the matter to the attention of the Senate, believing that the situation is a serious one, and that if the railroads will not voluntarily cooperate with the producers of perishable foodstuffs Congress should take some action that will furnish relief, and that at an early date. Both freight and passenger rates are too high and should be revised downward.

ATMOSPHERIC NITROGEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. NEW. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Myers	Smoot
Beckham	Harris	Nelson	Spencer
Borah	Harrison	New	Stanley
Calder	Hedin	Nugent	Sterling
Capper	Henderson	Overman	Sutherland
Coff	Johnson, S. Dak.	Page	Swanson
Culberson	Jones, N. Mex.	Phelan	Townsend
Curtis	Kellogg	Phipps	Trammell
Dial	Keyes	Poinexter	Underwood
Dillingham	Knox	Pomerene	Wadsworth
Fernald	La Follette	Robinson	Walsh, Mass.
France	McCumber	Sheppard	Walsh, Mont.
Gay	McKellar	Simmons	Warren
Gerry	McLean	Smith, Ga.	Williams
Glass	Moses	Smith, Md.	Willis
Gronna		Smith, S. C.	Wolcott

Mr. CURTIS. I desire to announce the necessary absence on committee business of the Senator from Washington [Mr. JONES].

Mr. GERRY. I announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Missouri [Mr. REED] on account of illness; and the absence of the Senator from Nevada [Mr. PITTMAN], who is engaged on official business of the Senate.

Mr. TRAMMELL. I desire to announce that my colleague [Mr. FLETCHER] is absent on official business in connection with the Commerce Committee.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

Mr. WADSWORTH. Mr. President, pursuant to the notice I gave yesterday, I offer the following series of amendments, which I ask may be considered separately. I hope Senators will follow the amendments as they are read.

The VICE PRESIDENT. The Secretary will state the amendments in their order.

The ASSISTANT SECRETARY. On page 2, line 12, strike out the words "Secretary of War" and insert the words "Secretary of the Treasury."

The amendment was agreed to.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will report the next amendment.

The ASSISTANT SECRETARY. On page 2, line 14, strike out "Secretary of War" and insert "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 3, lines 17 and 18, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 3, line 25, before the words "shall be ex officio," strike out the words "Secretary of War" and insert the words "Secretary of the Treasury."

The amendment was agreed to.

Mr. WADSWORTH. At this point, may I ask the Senator from Alabama whether the language of the sentence just before the one which has just been amended has been changed by amendment in the Senate? It reads in the original print of the bill:

The directors so appointed shall hold office at the pleasure of the Secretary of War.

Mr. UNDERWOOD. I did not offer the amendment, but it is my understanding that there was an amendment offered to substitute the President for the Secretary of War.

Mr. WADSWORTH. Was that the amendment offered by the Senator from North Dakota [Mr. GRONNA]?

Mr. UNDERWOOD. It was the amendment offered by the Senator from North Dakota, and I am speaking from recollection and not from the record.

The PRESIDING OFFICER. On page 3, line 23, an amendment was striking out the words "Secretary of War" and inserting the words "President, by and with the advice and consent of the Senate." Does the Senator from New York offer another amendment on that page?

Mr. WADSWORTH. Yes, Mr. President.

Mr. ROBINSON. I will offer the amendment, if the Senator desires. It is in keeping with the other amendments which were made yesterday upon my motion.

Mr. WADSWORTH. I move, on page 3, lines 24 and 25, after the words "pleasure of the," that the words "Secretary of War" be stricken out and in lieu thereof the word "President" be inserted, so that it shall read:

The directors so appointed shall hold office at the pleasure of the President.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will report the next amendment.

The ASSISTANT SECRETARY. On page 4, lines 3 and 4, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 8, line 13, it is proposed to make the same amendment.

The PRESIDING OFFICER. The attention of the Senator from New York is called to the fact that the paragraph on page 8 beginning with line 10 has been stricken out.

Mr. WADSWORTH. An amendment has taken its place, and I think the amendment contains the words "Secretary of War," and it should read "Secretary of the Treasury."

The PRESIDING OFFICER. The second paragraph of the amendment reads:

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President for the proceeds of the sale of nitrate of soda herein made available to the corporation, and for all unexpended balances now under the control of the Secretary of War—

And so forth.

Mr. WADSWORTH. Leave it as it is. Is there not another case in that same amendment where "the Secretary of War" appears?

The PRESIDING OFFICER. On page 8, line 15, the words "Secretary of War" have been stricken out.

Mr. WADSWORTH. That is correct. But further down in that amendment which has already been adopted do not the words "Secretary of War" appear again?

The PRESIDING OFFICER. It reads:

And for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plant at Sheffield, Ala., the corporation shall cause to be executed and delivered to the Secretary of the Treasury—

And so forth.

Mr. WADSWORTH. That is correct. It should read "Secretary of the Treasury."

The PRESIDING OFFICER. The Secretary will report the next amendment.

The ASSISTANT SECRETARY. On page 9, lines 17 and 18, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 10, line 9, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 10, line 11, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 11, line 24, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 12, strike out lines 3 to 10, inclusive, and the proviso agreed to at the end thereof.

Mr. WADSWORTH. That is the amendment which takes away from the corporation the right to employ Army officers.

Mr. SMITH of South Carolina. Let the Secretary read the proviso which it is proposed to strike out.

The PRESIDING OFFICER. The Secretary will read.

The ASSISTANT SECRETARY. It is proposed to strike out lines 3 to 10, both inclusive, and the proviso added at the end of line 10, which reads:

Provided, That no officer so appointed shall receive two salaries.

The amendment was agreed to.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Have all the amendments of the Senator from New York been acted on?

Mr. WADSWORTH. I have not yet sent the others to the desk. That finishes all I have sent to the desk.

Mr. NELSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 11, line 22, after the words "United States," insert a comma and the words "except statutes relating to crimes and their punishment."

Mr. NELSON. I will state the object of the amendment. All this property comes from the United States and the stock is owned by the United States, and if there is any embezzlement or destruction of any of the property of the corporation, I want those guilty to be amenable to prosecution under the criminal statutes of the United States. Hence I propose to insert the words "except statutes relating to crimes and their punishment."

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 9, line 7, before the word "require," strike out the word "may" and insert in lieu thereof the word "shall," so that it will read:

The President or the Secretary of War, as a condition of the transfer, conveyance, or delivery to the corporation of any property herein referred to, shall require the corporation to assume any and all agreements and obligations entered into by the United States in connection with the construction, maintenance, or operation of such plants or other property.

Mr. WADSWORTH. I think the reason for that amendment is obvious. This property is not to be considered property of the United States according to one part of the bill, and in another part of the bill it is; the amendment will make it clear that it must be deemed to be Government property in so far as the existing obligations of the Government with respect to it are concerned.

Mr. UNDERWOOD. I think the Senator's amendment is correct. I have no objection to it.

The amendment was agreed to.

Mr. WADSWORTH. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 6, at the end of line 11, after the word "act," insert the following proviso:

Provided, That no property shall be acquired for or by this corporation under condemnation proceedings, nor shall the corporation acquire by any means any water-power site or hydroelectric-power plant other than the site at Muscle Shoals, and the hydroelectric-power plant now being constructed at that point upon the Tennessee River, and the electric-power unit at the Warrior River station of the Alabama Power Co. as provided in this act.

Mr. UNDERWOOD. The proposed amendment is in conformity to the statement made by the Senator from North Dakota [Mr. GRONNA], chairman of the committee, and agreed to by myself, the Senator from South Carolina [Mr. SMITH], and some others here yesterday. The substance of it is that it gives the opportunity for the corporation to acquire the plant which the Government now has but limits it to its present operating plant. I think that is all anyone wants or expects. I see no objection to the amendment.

Mr. WADSWORTH. I think for the purpose of consistency the word "this," in the first line of the new proviso, should read "the," so that it will read: "*Provided, That no property shall be acquired for or by the corporation,*" and so forth. The corporation is referred to in that manner clear through the bill.

Mr. UNDERWOOD. That is correct.

Mr. WADSWORTH. May I state that it also cuts out the power of condemnation which was in the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. I now offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 5 strike out subdivision (b) or all of lines 8 to 13, both inclusive, which read:

(b) To acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable to assist in furnishing to the United States Government and others at all times nitrogen products for military or other purposes in the most economical manner and of the highest standard of efficiency.

Mr. SMITH of South Carolina. Mr. President, the object of subdivision (b), I understand, was to enable the Government, outside of these properties, to maintain, wherever they thought it was best, experimental plants and laboratories for the purpose of ascertaining what might be the best method of obtaining these ingredients. They might maintain one in Washington, or wherever in their wisdom it could be the most efficiently and most cheaply done, just as the Agricultural Department, in testing out the remedies for certain diseases, establish their plants and experimental stations and laboratories in such manner and at such places as they think may get the best results.

However, as the property seems to be sufficient at this stage to develop the best process and in order that we may get this very necessary work started, if that is possible, I shall offer no objection to the amendment, hoping that whatever experimental work may be done can be done on the premises after striking out the words referred to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. I desire to offer one more amendment. I have not submitted it to the Senator from Alabama [Mr. UNDERWOOD], but I ask his consideration of it. It does not go to the fundamentals of the bill, and perhaps it will make the organization of the corporation a little more definite.

On page 3, commencing with line 20, we find the following language:

The corporation shall be conducted under the supervision and control of a board of directors, consisting of not less than 3 nor more than 11 members, to be appointed by the President by and with the advice and consent of the Senate.

I suggest that that be changed so as to read: "Consisting of not less than five nor more than seven members." From 3 to 11 is a very indefinite number, and it seems to me there is sufficient discretion left in the choice between 5 and 7.

Mr. UNDERWOOD. I have no objection to that amendment, if no one else has.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 22, strike out the word "three" and insert in lieu thereof the word "five," and in the same line strike out the word "eleven" and insert in lieu thereof the word "seven," so that the sentence will read:

The corporation shall be conducted under the supervision and control of a board of directors, consisting of not less than five nor more than seven members, to be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, before we proceed to vote on this bill I desire to state very briefly my reasons for having voted to recommit it and the reasons which will compel me to vote against its passage. I have known something about the Muscle Shoals proposition for some time, largely through our old-time and well-beloved friend, former Senator Bankhead, who was deeply interested in the matter. I do not wish at this time to charge any bad faith on the part of anyone supporting the measure. I do not believe in that kind of argument. But I must state the reasons which govern me in what I shall do with reference to the bill.

I realize, I think, as everyone does, that the project from its inception has been more or less tainted with corruptness. That does not necessarily mean that if the Government has improvidently expended money for a project which is worthy and which ought to be preserved it should abandon it because of such corruptness; but it does indicate to me that special consideration should be given to a project of that kind, when millions of dollars more are asked for investment in it.

The bill is urged on the ground that it will be beneficial to the farmers of the United States. I am going to predict now, although it may be unsafe to do so, that the farmers can and will obtain no benefits from the bill. I do not believe that such is the real object of it. I think it is clear, from the evidence as I have heard and read it, that nitrate can not be produced at the plant in competition with private enterprise unless the water-power plant there is completed. The Secretary of War says that it might be used in emergency, in case of war, when we do not pay any attention to the cost, and that nitrate might be produced through the use of steam power, but he also states that it can not be so produced commercially at a price within the reach of the farmers of the country for their use.

I said that I do not charge bad faith to any Senator who is advocating this measure, because many of them have been advocat-

ing the principle for years. But when I realize that the people who drew the bill, the people who urged its passage and who are to control it, might have a pecuniary interest in it, I am inclined to believe that some one has been deceived, and that this in reality is a bill which is going to inure to the benefit of the water-power company in Alabama. Therefore I can not support a measure which in my judgment would be a failure, measured by the purpose which is presented here, but which in my judgment will result in benefits to special interests and not to the Government or the farmers of the United States.

I have given careful attention to the matter, and I state with great confidence that the bill has been improperly considered. I voted in good faith to recommit it, thinking it was safer to frame a bill in committee than on the floor of the Senate, as this bill has been framed. I venture to say that no one knows exactly what we have done up to date. Although I have necessarily been absent some of the time, I have tried to follow what has been done on the floor of the Senate with reference to the measure. I do not think anyone understands just what we are providing, and it is unsafe to legislate in that way. In good faith I wanted the bill to go back to the committee, in order that the committee might consider all the objections which have been urged in the Senate. Then when I stop to think that some of the most influential members of the Committee on Agriculture and Forestry, men whose motives can not be questioned, are here in opposition to the measure and asking for greater and fuller consideration, it seems to me we have not followed the course of greatest wisdom.

Believing as I do believe that the measure is not in the interest of the farmers of the country, who are its alleged beneficiaries, believing that it is improperly framed and not understood, I can not support it.

The argument that we have invested \$100,000,000 or more at Muscle Shoals and therefore ought to invest more does not appeal to me. About the first spare money I earned and practically all I had at that time I invested in a mining project. I started out very modestly by investing \$500, with the understanding that that was all I would have to invest, but before I got through and in order to save what I had put in I had invested something over \$7,000, and then lost it all. It would be much better, when we are convinced that an investment is bad, to quit sending good money after bad and take a smaller loss.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. I yield, although the mine was not located in Montana.

Mr. WALSH of Montana. The Senator refers to an experience which most of us western Senators have had. I am rather sympathetic about it.

Mr. TOWNSEND. I thought possibly I could strike a sympathetic chord there. Nearly every Senator has had a similar experience.

The fact is that the nitrate plant is practically complete now, but it can not be operated until the power plant is completed and \$43,000,000 more is invested in it. It is also true that the plant, as the junior Senator from Wisconsin [Mr. LENROO] has stated, could be maintained and cared for at a cost of \$400,000 a year, and that the interest which we will have to pay, and which we will lose, on the amount of money that will be required to complete the dam would more than offset the amount we would expend in caring for the property.

Therefore, at this time and until the question of whether we are going to complete the dam is settled, we will make a mistake by enacting this legislation. The House has refused to appropriate any money for work on the Muscle Shoals Dam. Unless the Senate agrees to carry it on, and the House agrees, this is a vain thing, or rather, worse than that, it is a waste of public money and a false hope to the already several times deceived farmer.

Therefore, and for these reasons, it will be necessary for me to vote against the bill.

Mr. SMOOT. Mr. President, I do not know that it is worth while to take any of the time of the Senate to discuss the pending measure further; I do not know that any testimony given by any person in the United States, even one so well qualified as the Senator from North Dakota [Mr. GRONNA] has said Col. Cooper is, would change the vote of a single Senator, but for the RECORD I wish to make merely a few remarks before a vote is taken upon the bill.

When first I saw that the bill had been reported and placed on the calendar and I observed that the author of the bill was the Senator from New York [Mr. WADSWORTH], I thought there was some mistake; I did not believe that the Senator from New York could ever father such a measure; and I am very glad

that it has developed that the bill was not the product of the Senator from New York, but that it was prepared by the War Department, and he was requested to introduce it in the Senate, which he did.

I have tried to learn whether or not the committee took a vote upon reporting the bill to the Senate. I have been unable to find that more than two Senators were at the meeting at the time the measure was reported out. The nominal author of the bill was not there; the chairman of the committee was not there; the bill was reported to the Senate, as I understand, with not exceeding two members of the committee present.

I have not had time to follow all of the amendments which have been offered to the bill, but I do not know that it would make any difference as to what amendments have been offered and agreed to. I think the Senator from Alabama [Mr. UNDERWOOD] wishes the bill, with any kind of amendments, to pass, notwithstanding he knows full well that it will not become a law at the present session of Congress. Its passage may, of course, give the bill a little better standing for the future, because it may be said that the Senate has already passed it. That may assist the Senator from Alabama in his request for an appropriation of \$10,000,000 to be incorporated in the sundry civil bill for the dam at Muscle Shoals. However, so far as the passage of the bill at this time is concerned, it will not hasten it into law in the least, as every Senator knows.

I think it was on Thursday last that the chairman of the Committee on Agriculture and Forestry, the Senator from North Dakota [Mr. GRONNA], became very much excited over certain opposition to the bill, and then made some remarks which I do not think were really called for, and appealed strongly to the testimony of Col. Hugh L. Cooper, the consulting engineer on the part of the Government for this project. I then thought how strange it is that two persons hearing the same testimony could construe that testimony so differently as do the Senator from North Dakota and the Senator from Utah, as do the Senator from North Dakota and the Senator from Washington, and, I think, as do the Senator from North Dakota and the Senator from North Carolina. It is for that reason, Mr. President, that I now desire to call attention to some of the statements which were made by Col. Cooper in order to prove beyond a question of doubt that the statement which I made upon the floor of the Senate that this was a water-power proposition pure and simple is the fact.

I am not going to take time to read all of the testimony of Col. Cooper on this subject, although it would be very enlightening to have it go into the RECORD, but I am going to take time to call attention to some of the testimony which was given by him. In speaking of the amount for which the property as it exists to-day—that is, the work upon the dam—could be sold, this colloquy took place before the Committee on Appropriations:

Senator CURTIS. You might get \$3,000,000 out of the \$11,000,000?

Col. COOPER. Yes. We might not even get that, and when the work would be resumed I do not know, because private capital on a 5 per cent basis will not be found for a long time to come.

Senator SMOOT. It would not have to be made on a 5 per cent basis.

Col. COOPER. I do not know that it would, but it would be a low rate on the amount of money that would be required for private capital to go on and finish it.

Senator OVERMAN. How much would it take to complete it?

Col. COOPER. From now?

Senator OVERMAN. Yes.

Col. COOPER. If there are \$11,000,000 in it now, it would take \$39,000,000 more to complete it.

Senator SMOOT. It would cost \$42,000,000 if private parties paid \$3,000,000 for it, and put in \$39,000,000 more?

Col. COOPER. Yes; and I do not think you would find private capital putting up \$42,000,000 on that project in 10 years.

Senator SMOOT. Why not?

Col. COOPER. Because in order to sell its current and distribute it over a wide field, it has got to have the money at about 5 per cent interest; and when you get through I think you will find that the real interest of the United States and the large area of population down there is in the direction of having the Government go ahead and finish this thing.

Senator OVERMAN. You say this will furnish power to seven States?

Col. COOPER. Yes.

Senator SMOOT. Do you believe we ought to furnish this water power for the purpose of going into the manufacture of fertilizer?

Col. COOPER. I think that would be an awful mistake.

Senator SMOOT. What you think is this, that the Government ought to construct this power dam, finish the same, and lease the power out?

Col. COOPER. That is exactly it.

I wish more Senators were present, that I might call to their attention the testimony that follows later on this very subject. The power developed at Muscle Shoals, Senators, is to be leased out to the public utilities of seven Southern States, if the judgment of Col. Cooper is to be taken.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I yield.

Mr. McNARY. I wish to ask the Senator from Utah where the colloquy which he has just read took place?

Mr. SMOOT. It took place in the Appropriations Committee of the Senate on Thursday last. I will say that it was in connection with a demand which was made upon the committee for an appropriation of \$10,000,000 to continue the work on the dam.

Not only that, Mr. President, but Col. Cooper says that if we shall put \$50,000,000 into this project it will take 10 years before all the power can be sold, and if operations are carried on for 30 years the Government can perhaps make 5 per cent upon its investment. He adds, however, that if the power is leased it will save to the public utility corporations of seven States of the South \$10,000,000 a year. That is the object of the bill; that is why it is before the Senate of the United States.

I wish to ask Senators to follow me in order that they may know the object of the proposed legislation before they vote to expend tens of millions of dollars—and no one on earth can tell how much more—before the project is completed. The first estimate for plant No. 1 was \$3,000,000. There has already been expended upon that plant \$12,689,676.99. I have more confidence, however, in the judgment of Col. Cooper than I have in the judgment of the Government engineer who made the first estimate for plant No. 1. That estimate was never made in good faith; it was sent to Congress for the purpose of securing the first appropriation; and it is a well-known fact that when the first appropriation is made for any project by the Government it is always pointed to and appeals are made to Senators to make further appropriations in order that the first appropriation may not be lost. Now we are asked, Mr. President, to appropriate millions and tens of millions of dollars more to save an appropriation of \$11,000,000, out of which, perhaps, we could get a salvage of \$3,000,000, and no one knows how much it is going to cost to complete the project.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes; I yield.

Mr. HARRISON. The Senator is in favor of making fertilizer at the Muscle Shoals plant, is he not?

Mr. SMOOT. No; I am not.

Mr. HARRISON. Is the Senator not in favor of making that plant a success?

Mr. SMOOT. Yes; if we build it; but it will never be successful in manufacturing fertilizer.

Mr. HARRISON. Will the Senator permit me to read, in his remarks on April 30, 1920, a statement about this proposition? It is very brief.

Mr. SMOOT. Yes; I will.

Mr. HARRISON. The Senator, in speaking about this proposition, said at page 6336 of the Record of April 30, 1920:

The sum of \$70,000,000 has been expended there, and no human being can tell how much more will be spent. So far as I am concerned, I want to see appropriated whatever amount is necessary to make the plant a success. I recognize, as well as does any man living, the necessity of the manufacture of nitrates in the United States.

Mr. SMOOT. And since April 30, 1920, every bit of testimony that has been given by anybody, as all who have followed the question from that time to the present know, is to the effect that the amount of nitrate made has cost more than it could be secured for from Chile or other sources. And so I say to the Senator that I think that in the future the plant will be operated in the same way if operated by the Government. Our Government is a failure in operating business concerns.

Mr. HARRISON. The Senator has changed his mind since April 30, 1920.

Mr. SMOOT. No; I have not changed my mind any further than this—that I believe that even under the most favored conditions the Government can not go into the manufacturing of nitrate and compete with private concerns. It is impossible for them to do it; and when you study the conditions surrounding any activity of the Government, I do not care what it may be, history shows that the estimates made are always less than the costs.

Why, take the reclamation projects of the West. The estimates that were made, and the farmers assured of the price that it would cost to develop the water power under such projects, have been in nearly every case 100 per cent more; in some cases that I know of 150 per cent more; and I am fearful that the result of this project will be the same.

Mr. President, Col. Cooper says that in the Muscle Shoals project there will be developed 100,000 primary horsepower, and ultimately there can be developed 450,000 secondary horsepower, and also that this is to be the cheapest power in the United States. The Keokuk plant has been developed to this extent: There is 125,000 primary horsepower, there is 75,000 secondary

horsepower, and Col. Cooper testifies that the value of a secondary horsepower is equal to 30 per cent of the value of a primary horsepower. Now, let us see what this project is going to cost per horsepower, even on the estimates that we have, as compared with the Keokuk plant, built by this same Col. Cooper, and he is vice president of the company.

These are the figures for the Keokuk plant:

Primary power, 125,000 horsepower.

Secondary power, 75,000 horsepower.

Thirty per cent of 75,000 is 22,500, making a total primary power valuation of 147,500 horsepower. The colonel testifies that the 147,500-horsepower valuation cost \$26,000,000, or a cost per horsepower of \$176.

Take the Muscle Shoals plant, with 100,000 primary horsepower. Grant that there is 450,000 horsepower of secondary power that may be developed. Thirty per cent of 450,000 is 135,000 horsepower, or 235,000 horsepower valuation. Grant that it only costs \$50,000,000, as estimated by Col. Cooper, and the cost per horsepower in the Muscle Shoals plant will be \$213.

Mr. President, I recognize that that is a low price for power. This, however, is the price per horsepower at the dam, and the estimate that is made here of \$50,000,000 is for the completion of the dam alone; and that power can not be utilized until the distributing system is run, covering 60,000 square miles of territory in the seven Southern States mentioned by Col. Cooper.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Yes; I yield.

Mr. McNARY. May I remind the Senator from Utah of a patent error in his figures? In the hearings before the Appropriations Committee, to which the Senator called my attention a few moments ago, the figures at Muscle Shoals are given as 550,000 horsepower. The Senator's figures were computed on the basis of 450,000.

Mr. SMOOT. Oh, no; the Senator is wrong. I gave the figures as 100,000 primary horsepower and 450,000 secondary horsepower.

Mr. McNARY. I did not catch that.

Mr. SMOOT. I thought perhaps the Senator had not caught the first figures.

In order that there may be no question about it, I will refer right now to what Col. Cooper said in relation to secondary horsepower.

Col. COOPER. The sale price I have figured for the secondary power is only 30 per cent of the primary-power rate. Senator Smoot will agree with me that it is a very low price.

Senator SMOOT. A very fair price, comparatively.

Therefore I take the 30 per cent of the secondary power and figure it into primary power, as suggested by Col. Cooper.

The Senator from Washington [Mr. JONES] asked the colonel this question:

If there should be nobody ready at the time to lease it, the Government would have to go on operating it and sustain it?

Col. COOPER. I have got to the point which, I think, is very important and which I touched upon in my letter to Senator Smoot. That is this: The whole southern territory is at the mercy of this project. A great many different water powers in the South are ready for development at this time, but no private capital will go in there until the policy of the Government with respect to this energy at Muscle Shoals is defined.

Senator SMOOT. From your letter I judged that there are a number of industries that are ready to put the power in, but they can not go to work and put it in if the Government is going to construct this project and sell power at a cheaper rate than they can.

Col. COOPER. That is it exactly.

Now, Senators, if we want the Government of the United States to spend \$140,000,000 with the assurance that upon the \$50,000,000 we will get at least 5 per cent during a period of 30 years, let us make this appropriation.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama?

Mr. SMOOT. I do.

Mr. HEFLIN. Would the Senator have the Government lose the eighty-odd million dollars already spent on this plant in order that private capital may have its way in developing various sites in the South?

Mr. SMOOT. No, Mr. President; but I think it would be very much cheaper for the Government of the United States to sell what they have now and take what loss they will have to take at first-hand than to go into it any deeper.

Mr. President, the dam proposition is the best proposition of this whole project as far as the Government's interest is concerned. I do not think they would lose more than 50 per cent in selling it if it were completed; but we have the testimony here that private parties are perfectly willing to go into the development of the water powers of the South, and develop the

water powers there the same as the water powers of all other parts of the United States have been developed. That, however, is not this proposition. At a time when the Government of the United States is paying 5½ per cent for its money, and straining every effort to secure sufficient means to maintain our Government, and at a time when the taxpayers are burdened as they were never burdened before, we are asked to have the Government of the United States advance this immense amount of money and wait 10 years before the plant will even pay its running expenses.

It is true, I think, that the price at which Col. Cooper says this power can be sold, with the advance in the price of coal that will take place within the 20 years, will give a sufficient return to pay the Government an average of 5 per cent for 30 years.

If we are going into this plan and the Government has decided to go into the building of water powers, I think it had better reach out into all sections of the country and do the same thing.

Why should not the Government build a great power plant upon the Colorado River? Why should not the Government go into the State of Washington or the State of Oregon and develop the water powers there?

So the question now is, Is the Government of the United States to embark on this? Mr. President, there are many, many things which have been put through Congress under the guise of assisting the farmer, but I know of none since I have been in the Senate of the United States which equals this one. I assert to the farmers of the United States now that they will not get a dollar's benefit from it, unless perchance it may be through the public utilities of the seven Southern States or the water-power companies of those States. I make that last statement based upon what appears in the testimony before the committee.

I would like to see those seven Southern States developed. Nothing has pleased me more than to see the wonderful development of water powers in North Carolina; but North Carolina has not asked the Government of the United States to build them. Mr. President, this would never have been thought of if it had not been for the war. I am not going to discuss the question as to whether this plant, if completed, will tend in any way to the safety of our Government in time of war. Col. Cooper says it will not. The Senator from New York [Mr. WADSWORTH] answered the question so thoroughly and so splendidly that not one Senator questioned his statements.

I continue reading from the hearing:

Senator JONES of Washington. But suppose there is nobody to lease this and that conditions are such that when it is built it would not be leased and the Government goes on running it. If the Government runs it without the idea of making a profit, would there be any other development?

Col. COOPER. The answer to that is this, that the South has already a very great need for additional power. There are 10 or 12 distributing companies in the South.

Senator JONES of Washington. In this territory?

Col. COOPER. Yes; in territory that applies here—that are anxious to build right now.

Mr. President, there is not a Senator who does not know that no private concern will go on and develop water powers in the South when the consulting engineer of this project says that for 10 years there will be no profit, and without the project paying taxes of any kind or paying interest upon its obligations for years and years, and that for a period of 30 years the return is to be an average of but 5 per cent.

I continue reading:

Senator JONES of Washington. In your judgment, what is the use that justifies the Government in putting in that plant aside from the money that it now has in it?

Col. COOPER. I do not think there is anything except that it would be a great benefit to the people all over the South.

Mr. HEFLIN. What was the Senator's last statement?

Mr. SMOOT. It is not my statement; it is Col. Cooper's statement. Senator JONES of Washington asked the question of Col. Cooper.

Mr. HEFLIN. Just the last words.

Mr. SMOOT. The language was:

I do not think there is anything, except that it would be a great benefit to the people all over the South.

Mr. HEFLIN. Does the Senator object to benefiting 25,000,000 American people?

Mr. SMOOT. No; I object to taking money from the Treasury of the United States for the purpose of developing a water power in the South if that is not to be followed in the future by developing water powers in every part of the country.

Mr. HEFLIN. This is to provide the Government with a nitrate plant.

Mr. SMOOT. That is a camouflage. There is nothing in it, Mr. President. The object, as Col. Cooper said, is to develop the water power.

To continue reading from the testimony:

Senator SMOOT. The proposition, then, is for the Government to give the people of the South cheap power?

Col. COOPER. Yes; and I think it will give that.

Mr. WADSWORTH. At somebody else's expense?

Mr. SMOOT. At the taxpayers' expense. I would like to say to the Senator from Alabama that I would like to see the South develop, and I think it has been developing faster than any other section of the country; but I think that private capital will develop it, as it has done in the past.

I asked the question:

How much per horsepower per year?

Col. COOPER. That is probably as important and practical a question as could be asked. The answer to it is rather difficult, because you would have to know what the rate of use per day of the power would be before we could make a definite answer to the Senator's question. People do not understand what the load factor is in this sort of thing. The difficulty in figuring the power price, especially when a dam has storage behind it, such as this one has, is the fact that the rate of use of the power each day is not the same each hour.

For instance, I think in this particular territory the average use of this power would be around 12 hours a day, which would be half the day, or a 50 per cent load factor. Fortunately, because we have this big pool behind us, you can accommodate the output to whatever load factor comes along in the future. Now, if we figure on a 50 per cent load factor—in other words, taking a cotton factory, such as the South is supposed to be full of, their average rate of use is 12 hours a day. Such a factory would have to pay for guaranteed power, in order to take care of the 5 per cent interest, not exceeding \$15 per horsepower.

I asked him whether that was \$15 a horsepower delivered at the factory or whether it was at the dam, and he said it was at the dam. I asked him what his estimate was as to the cost per horsepower for distribution, and he answered \$12 additional, making \$27 distributed.

The Keokuk plant is delivering power in St. Louis—or just outside of St. Louis, where the step-down transformer is—for \$33 per horsepower, and I think that is the cheapest power there is in the United States, outside of the power that is delivered to one of the railroads, as I understand it, for about \$28.

Mr. HEFLIN. Then this power at Muscle Shoals could be obtained for about \$5 cheaper than the power now being transmitted to St. Louis?

Mr. SMOOT. So says Col. Cooper. I have never taken the position that it is not cheap power. I wish the Government of the United States would go out into our territory and develop power at that price. We would make our desert blossom like the rose. We would put the farmers on the land and take the water from underground, pump it upon millions of acres of land that is worthless to-day. But we have never thought it was the province of the Government to go out and develop water power for the people of the State of Utah.

Mr. HEFLIN. If the Senator will permit, the Government has spent a great deal of money in irrigation projects in the West, in making the desert blossom as the rose.

Mr. SMOOT. Yes; and the farmer has to pay back with interest every dollar advanced by the Government. If this proposition were one like that nobody would be objecting here, providing we had the money. Not only that, when public lands are sold within the States the money received goes to the reclamation fund, but every dollar expended is paid back with interest by the farmers benefited.

Mr. HEFLIN. The farmer has to pay for the fertilizer.

Mr. SMOOT. Yes; the farmer has to pay for the fertilizer, and will when this proposed plant is in operation. We will not get enough from fertilizer to reimburse the Government 1 per cent of the amount of money the Government is asked to put in that project.

Mr. HEFLIN. Is not that what people said about irrigation, that it would not be a success?

Mr. SMOOT. Some men may have said so, and in some places it has not been a success.

Mr. HEFLIN. But in the main it has been a great success.

Mr. SMOOT. Yes; and the people who get the water pay for it. But here you want the Government of the United States to put up every dollar, with no plan whatever for amortizing this expenditure. There is to be no end to this project. Not only that, but when the plant begins to run down and the machinery begins to wear out, Congress will be asked to vote for appropriations for the purpose of renewing the machinery; and Senators will say, "If you do not give us the money, you are going to lose what you put in," and, instead of it being \$140,000,000, nobody on earth knows what it will be.

Mr. HEFLIN. If the Senator will permit, if it is a good thing, it ought to be kept going. We are still appropriating money for irrigation purposes.

Mr. SMOOT. I thought I answered the Senator upon the question of irrigation. The reclamation of the arid lands in the West is quite a different proposition from this. The farmer of the West has to put up his land and water, in many cases all his improvements, as security for the repayment of the money

advanced by the Government. He has to put up his primary water rights, whatever they may be, as security to the Government that the money which the Government expends shall be paid back in 20 yearly payments. Is there a farmer of the South, or a manufacturer in these seven Southern States, who is asked to put up any security? Not one.

Mr. HEFLIN. They will have to pay for the fertilizers they obtain, and other things produced there.

Mr. SMOOT. That is so far-fetched, Mr. President, that it is not worthy of discussion. This project is for development of water power, not fertilizer.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. DIAL. I would like to ask the Senator what his alternative proposition is, if he does not indorse this proposition, what does he propose?

Mr. SMOOT. My alternative proposition is to sell it now for all we can get out of it, and then let somebody develop a water power and go on and manufacture whatever they want to. If they want to sell it for power, let them sell it for power. Listen to this, Senators:

Senator JONES of Washington. And I understand, Col. Cooper, that when the Government gets this dam completed and the necessary things for the development of power are installed, it will not proceed any further?

Col. COOPER. No further. It will not have to proceed any further.

Senator JONES of Washington. What agency do you think will take it over? It would have to be taken over by one agency, would it not?

Col. COOPER. Yes. I think that agency will probably be the five or six or seven public utilities of the South operating under the direction of the Federal Power Commission.

Senator JONES of Washington. Are those public-utility companies in existence now?

Col. COOPER. They are.

Senator JONES of Washington. Where and what are they?

Listen!

Col. COOPER. Birmingham, and the Alabama Power Co., the Southern Power Co., and the York, Pa., interests—

And some others. Can you see, Senators, where our money is going?

Senator JONES of Washington. Suppose such an agency as that should not be formed and could not get together. Then the Government would have to maintain it and establish distributing systems and everything else.

Col. COOPER. The supposition that they would not proceed in that line is an economic mistake, because it is to their own interests to do it.

Senator SMOOT. They will do it all right.

Col. COOPER. Oh, absolutely; they will do it, and they are going to do it now.

Senator JONES of Washington. Build a plant?

Col. COOPER. No; but they are wanting to form an association to handle this current under this superpower commission that the Government is back of. This is a good thing. There is nothing in this project, as I see it to-day, that is not a very worthy use of public money. I do not think there is anything about it that can be criticized, if you will just stick to the power end of it.

Mr. HEFLIN. The Senator will admit under his own statement that the Government is going to make money, because these companies will buy the current produced. So it is going to be a money-making proposition after all.

Mr. SMOOT. Would the Senator vote for it if that was the case?

Mr. HEFLIN. The sale of power, if necessary, and making fertilizer and making nitrates.

Mr. SMOOT. Making fertilizer! Does the Senator think the Alabama Power Co. is going to make fertilizer? Do not let the Senator deceive himself for a minute.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Oregon?

Mr. SMOOT. I yield.

Mr. McNARY. The Senator from Utah has read into the RECORD some very interesting excerpts from the testimony taken before the Committee on Appropriations, many of which, from his interpretation, show that the Government made a financial error in going into the plant. I should like to place an excerpt in the RECORD, because I think it is perfectly apropos.

Mr. SMOOT. If it is lengthy, I do not wish to have it in my remarks.

Mr. McNARY. I will ask the privilege of placing it in my own remarks.

Mr. SMOOT. Then it is not in my remarks.

Mr. McNARY. Does the Senator say that he does not wish the RECORD to show the whole story?

Mr. SMOOT. The Senator from Utah does not know anything about the length of the statement and does not know upon what subject it deals, but the Senator from Oregon can place it in the RECORD as a part of his own remarks.

Mr. McNARY. I will say to the Senator from Utah that it is a part of the same testimony from which he is reading, and pertains to the subject under discussion, which I suppose he would want the RECORD to show.

Mr. SMOOT. Does the Senator say the matter to which he refers was given in testimony before the Committee on Appropriations?

Mr. McNARY. I say it is from Col. Cooper's testimony, part of which I think the Senator, unintentionally or otherwise, has avoided reading. It is very short and is a part of his testimony in response to questions propounded by the Senator from Utah and the Senator from Washington [Mr. JONES].

Mr. SMOOT. The Senator can read it if he wants to do so now.

Mr. McNARY. Very well. I thank the Senator from Utah.

Mr. SMOOT. If it was given before the Committee on Appropriations, or anywhere else, the Senator may read it.

Mr. McNARY. This is a statement made by Col. Cooper before the Committee on Appropriations, found on page 6 of the printed hearings of Wednesday, January 12, 1921. The question was propounded by the Senator from Washington [Mr. JONES]:

Do you, as representing the Government, think this plant could be maintained and pay the expenses of operating it?

Col. COOPER. Yes; and get a net 5 per cent return without assuming any obligation at all.

Mr. SMOOT. That is just exactly what I have already stated, that Col. Cooper has stated in his testimony that at the end of a 30-year period, taking it as a whole, it would net the Government of the United States 5 per cent.

I do not think the Senator from Oregon wants the Government of the United States to go into any kind of investment, taking the chances necessarily taken here, on the basis of 5 per cent. I continue reading from the hearings:

Senator GRONNA. How long will it take to build the dam for the primary power?

Col. COOPER. I think 36 months yet.

That is, the dam will not be built for three years yet.

Now, another statement I would like to put in the record is this:

This is Col. Cooper continuing:

It is my belief that the construction of this thing by the Government in the manner that I have recommended will save the power consumers in this 60,000 square miles of territory \$10,000,000 a year in power bills.

That is the statement that I made quoting from him in my opening remarks. Then he goes on and states about what the cost of the horsepower will be, in conformity with what I have already stated, plus the \$12 per horsepower for the distributing part of the power, which is, according to his estimate, \$12 for the distribution and \$15 for the power developed at the dam, thus making a delivered price or cost of the power of \$27.

Mr. WADSWORTH. Does the Senator recollect that the estimates of so-called experts, who figured how much it would cost to put out nitrate from the plant, only put the power in at \$5?

Mr. SMOOT. In figuring on the cost of nitrates, in order to show some excuse for asking for the project, they figured in a way they thought would accomplish it, knowing the Government of the United States and the taxpayers would have to pay the deficit.

I continue reading:

Senator JONES of Washington. Looking at this from the national-defense standpoint, do you think that would justify the Government in putting it in now?

Col. COOPER. Oh, no; I do not think so.

I do not believe, if this project had not been started, that it would be possible to secure favorable action in either House. The only possible reason now given for favorable action is that we are going to save what we have already put in the project. My judgment is, and I expect to live to see the day when it will be developed, that it would have been cheaper for the Government of the United States to wash its hands of the whole thing and lose every dollar that it has in there at present rather than to go on to the completion of the plant.

Mr. SUTHERLAND. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. SUTHERLAND. Will the Senator state who Col. Cooper is and what connection he has now or has had with the project? I do not think the Senator has stated that.

Mr. SMOOT. Col. Hugh L. Cooper, I think, is the greatest irrigation engineer there is in the United States. He lives in the State of New York. He has built some of the greatest power plants in the world.

Mr. McNARY. Does not the Senator from Utah mean hydraulic engineer rather than irrigation engineer?

Mr. SMOOT. I think both, I will say to the Senator.

Mr. McNARY. I never heard of him as an irrigation engineer.

Mr. SMOOT. I have a great deal of faith in him. I know that he testified before the Committee on Appropriations that his connection with the Muscle Shoals plant as consulting engineer has virtually ostracized him from all business in that section of the country. He told the committee that he had been asked to map out and develop certain projects in those States that would have meant the expenditure of millions of dollars, and a handsome return to him and his associates, but that under no circumstances will he ever take any business in the seven States which will be served by the power from Muscle Shoals. In the testimony he gives the reason why, which I think shows him to be a man of unbounded integrity and honesty.

I did intend to take up the cost of the nitrate plant far in excess of the estimate, and go through that whole question, but it is not necessary.

I have received a number of telegrams contradicting certain statements made by the Senator from Kentucky [Mr. STANLEY] in his remarks the other day, but I do not even propose to ask that those telegrams shall be placed in the Record, although the parties sending the telegrams have requested it.

I can only express the hope that the bill will not be passed. I think it is for the best interests of the Government of the United States that it should fail. I do not believe it is going to bring one penny's worth of benefit to any farmer in the United States. I am fearful that some time in the future we will have to write off a loss to the Government of tens and tens of millions of dollars if the project is continued.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment.

Mr. WADSWORTH. Mr. President, I wish to ask a question about one feature of the bill which I think should be changed in order to make the bill consistent in its provisions.

On page 4, line 4, an amendment was adopted providing that not more than two officers of the War Department should be appointed as directors. The Senate has already stricken out the provision of the bill which authorizes War Department officers to be appointed as directors. So I think the amendment to which I have just called attention should be reconsidered and that provision stricken out.

Mr. UNDERWOOD. I do not think there is any objection to that. The amendment agreed to excludes Army officers. If there is a section of the bill which I had overlooked, and which indicates that they can be appointed, I think it would be negative anyhow, but the bill would be in better form if it were stricken out.

The PRESIDING OFFICER. Without objection, the amendment will be reconsidered. There being no objection, it is so ordered.

Mr. WADSWORTH. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. WADSWORTH. Mr. President, there is one other matter to which I wish to call the attention of the Senator from Alabama, or any other Senator who is interested in this attempt to put the Government into commercial business.

On page 11, commencing in line 11, we find this language:

The corporation and all of its assets shall be deemed and held to be instrumentalities of the United States and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Bearing that in mind, further down in the same paragraph we find language which reads as follows:

And the property and moneys belong to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and moneys of the United States, within the meaning of any statutes of the United States.

If the property and the moneys of the corporation are not to be deemed the property of the United States, why should they not be subject to local taxation?

Mr. UNDERWOOD. Of course, the people in the State where the plant is located would prefer to have them subject to local taxation, but I know of no other property which belongs to the United States which is taxed, and I think it would be a rather unwise thing as to property which is owned and controlled and belongs to the Government to subject such property to taxation.

Mr. WADSWORTH. I will discuss the matter for a few moments, for it becomes a very serious question to communities in the United States. When the Government acquires large blocks of property in a community instantly that property is withdrawn from the taxable resources of the community. I have known several such cases, and undoubtedly the Senator

from Alabama can recollect them, where common schools have been starved out of existence because the Government has acquired nearly all of the real property in a given neighborhood.

The Government's property can not be taxed, and, therefore, the few remaining property owners can not stand the burden of supporting the school all by themselves. Instances such as that have happened in many communities. It is a very grave question here whether the proponents of the bill desire to starve out in the matter of taxable resources important communities in their States.

Mr. UNDERWOOD. I do not think that would happen in this instance.

Mr. WADSWORTH. Oh, yes; it can happen.

Mr. UNDERWOOD. So far as this property is concerned, it has not been taxed in the past.

Mr. WADSWORTH. It has not?

Mr. UNDERWOOD. No.

Mr. WADSWORTH. At least the real property upon which the plants are located has been taxed in the past.

Mr. UNDERWOOD. Certainly it has. I mean that the Government property has not been taxed. The property that was taxable before was a small quantity of farm land.

Mr. WADSWORTH. Yes; and under this proposed legislation the communities will lose that taxable resource.

Mr. UNDERWOOD. That is a very small item.

Mr. WADSWORTH. It may seem small as compared to the whole United States, but it is very important to the people of the community.

Mr. UNDERWOOD. It comprises a few thousand acres of farm land there, and, of course, is a loss of that much in taxation; but it is not a great amount, figured in tax returns.

Mr. WADSWORTH. Of course, under the terms of the bill other properties may be transferred to the corporation, and then become exempt from any taxation on the ground that they are the property of the United States. Furthermore, under another provision of the bill they are deemed not to be the property of the United States in order to reach some other purpose. It seems to me that the two provisions of the bill are in direct conflict.

Mr. UNDERWOOD. If the Senator from New York wishes to amend the bill so that the property of the corporation shall be deemed to be the property of the United States, I shall have no objection to such an amendment, but I should not be willing to consent to an amendment that would make an exception in this case as to the taxation of Government property, because I think that would be going too far; it would be a change in the entire policy of the Government.

Mr. WADSWORTH. What is the Senator's idea of the meaning of the language which commences on line 18? What is the purpose of that language, which reads—

and the property and moneys belonging to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and moneys of the United States within the meaning of any statutes of the United States.

What is the object of that? Is it to subject those properties to certain civil procedure in the event of litigation to which they could not otherwise be subjected?

Mr. UNDERWOOD. The Senator from New York knows that I did not prepare the bill, or the language to which he refers, but I will interpret what I think the authors of it meant when they proposed it. They wanted to negative the idea that this was the property of the United States, so that they would have to make return of the profits to the Treasury, and which would require an appropriation to get it out. They wanted the corporation to function on its capital stock without the limitations imposed as to Government property. In other words, if the money earned by the corporation was Government money, then, of course, under the general statutes, it would go into the Treasury, and would not go back to them for the purpose of further operations; but I do not think it is necessary to put that limitation into the bill to enable the corporation to go ahead and use the money, because when it becomes a Government corporation, I think, it will function like any other corporation. That is my idea why the authors of the bill put that language into it. I am not concerned about that particular language, whether it stays in or goes out of the bill; but, as to the proposition of subjecting Government property to taxation by local authorities, I do not think it would be wise to change the general policy of the United States.

Mr. WADSWORTH. It is a grave question, I will admit to the Senator, but when I found that language in juxtaposition to the latter part of the paragraph, I wondered what the meaning of one was as contrasted with the other.

Mr. UNDERWOOD. As I did not prepare the bill, as I have already stated to the Senator, I did not know what the terms of the bill were until after it was introduced by him by request; so I know nothing of the viewpoint of the men who prepared the bill containing the language to which the Senator has referred. I imagine, however, their purpose in using the language was what I have stated to the Senator.

Mr. WADSWORTH. I desire, if I may, to ask the Senator one more question as to the interpretation of the language on page 6, line 16. He will notice subdivision (g) reads:

(g) To purchase, lease, or otherwise acquire United States or foreign patents and processes or the right to use such patents and processes.

Does the Senator think in view of the amendment that was adopted this morning, that the words "or otherwise acquire" would not include condemnation?

Mr. UNDERWOOD. As I stated to the Senator in the beginning, I had very grave doubt in my mind whether the corporation could exercise the power of condemnation. Of course, the Senator's view differed from mine; but I had no desire in the world for the corporation to exercise the power of condemnation; so I readily agreed to the Senator's viewpoint.

Mr. President, I do not care to delay the Senate for any great length of time in connection with this matter. I listened to the speech made by the senior Senator from Utah [Mr. SMOOT] this morning in reference to the testimony of Col. Cooper. The Senator from Utah read from the testimony of Col. Cooper, and, of course, read the statement correctly; but I think he reflected into the Senate a viewpoint that was entirely different from that which Col. Cooper intended when he appeared before the committee.

Candor requires me to say that when Col. Cooper was asked the question as to whether the great power dam at Muscle Shoals should be used for the manufacture of fertilizer, he said he did not think it ought to be so used. That was Col. Cooper's view; but it is a question for the Congress to determine whether they intend to use the plant for other purposes or for the operation of it to produce fertilizer. Of course, the national defense act, which was an expression of Congress, contemplates its use for the manufacture of powder in time of war and fertilizers in times of peace, and that is the policy of the Government at present as reflected by its statute law.

Col. Cooper's testimony undoubtedly was not in favor of the use for fertilizer purposes of the power developed; but aside from that every word he uttered in his testimony before the subcommittee of the Committee on Appropriations considering the sundry civil appropriation bill was in favor of the development of the project at Muscle Shoals and not the abandonment of it. I am sure the Senator from Utah will agree with me as to that.

Mr. SMOOT. Mr. President, there is no doubt about that. I think if the Senator from Alabama will read Col. Cooper's testimony as I have read it he will find that it demonstrates beyond the question of a doubt that that is his position; but he states that he would not continue the development of the plant for the purpose of national defense or for the purpose of manufacturing fertilizer, just as the Senator from Alabama has stated.

Mr. UNDERWOOD. Undoubtedly. Of course, as to the question of building a great power dam for national defense, Col. Cooper did not explain why he did not think we needed it. He may have thought that we could depend on other sources for nitrogen. So far as I am concerned, I differ with him in that respect. We found in the World War that the other available sources of nitrogen did not protect us in time of war. The initiation of the great nitrate plant at Muscle Shoals was due to the fact that the General Staff woke up one morning and found that they did not have a month's supply on the front line for the entire allied armies, and that they were in doubt as to what Chilean nitrate they could obtain from the western coast of South America. They were confronted by a war emergency. I knew and every other Senator knew that, so long as we were engaged in a war in which we retained control of the sea, so long as the navies of Great Britain, France, Japan, and the United States operated as a unit in one concerted effort, there was no danger of an interrupted sea service between the Chilean nitrate beds and continental United States; but I know also that if in the future we should become involved in war with certain nations, control of the seas might be a very doubtful issue, and that if we could only depend upon the present supplies of nitrogen from the by-product coke ovens and other domestic supplies of that character in a few months we would find ourselves helpless before an enemy. It is difficult for the people of this country to realize, but I have seen the statement made by an Army officer that one division fighting for 30 days in the Argonne consumed more powder and other explosives than were

used during the Civil War on both sides. I think that it would be absolute folly for a great Nation like ours not to avail itself not only of the great nitrate plant at Muscle Shoals but of the development of a great water power, which it may command at any time for the purpose of making nitrogen in the event of war. So I do not agree with Col. Cooper in that particular. I do not know on what his opinion is based, but I know that the production of nitrogen from by-product coke ovens is not in any way commensurate with what we use of nitrogen in time of war. If the by-product coke ovens were developed to the last analysis and every ton of pig iron manufactured in the future in the United States were manufactured from coke coming from by-product coke ovens, we would not have a sufficient supply of nitrogen to supply our needs in time of a real war.

I am free to say also that even with this great plant at Muscle Shoals, with a capacity of 120,000 tons of nitrogen per annum running on one day shift, or 240,000 tons operating continuously, and adding to that the supply from the by-product ovens, if you cut off the supply of Chilean nitrates you would not have enough nitrates in this country to continue for 60 days a war on anything like the basis of the European war. But there is this consideration: If we complete this great dam, with a potential horsepower of 550,000 units, we will have the available electricity to defend this country in the event of almost any war, and it is a very much quicker accomplishment to build nitrate plants than it is to dam rivers.

There is no doubt whatever in my mind that as a matter of national defense, regardless of cost, the greatest water power in continental United States should be completed by the Government and controlled by the Government of the United States for the future defense of this country, just as you build your navies and maintain your armies. But we are fortunate in this case in not having to make a sacrifice from the Public Treasury to build this dam—that is, if we are willing to take at par the statements of the greatest engineers of America, and there are none that rank higher in hydraulic engineering than Col. Hugh L. Cooper. He built the Keokuk Dam, and is to-day the vice president of the company that operates it. He has constructed many dams. He represented the Government as a consulting engineer during the war. He originated the plans of this particular dam, and is to-day the consulting engineer, and knows each item involved.

I ask, Mr. President, that when I conclude I may insert in full in the Record Col. Cooper's testimony on January 12 before the subcommittee of the Committee on Appropriations.

The VICE PRESIDENT. Without objection, it is so ordered. (See Appendix.)

Mr. UNDERWOOD. Without wearying the Senate with reading all the testimony of Col. Cooper in reference to this dam, I desire to read a few extracts from his testimony, because I do not want this debate to close with any idea that this great engineer has indicated in any way that this dam should not be completed.

On page 4 of his testimony Col. Cooper says, in answer to a question asked by the Senator from Washington [Mr. JONES]:

I think this dam has potentialities in it that are very important to a large portion of the South, but I think it would be a great mistake to assign those potentialities to a Government fertilizer plant. I am one of those who hold the belief that to put the Government of the United States into business is very bad business. I think they ought to stay out of it.

That is what he said in reference to a fertilizer plant.

Mr. SMITH of South Carolina. Mr. President will the Senator permit an interruption?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I yield.

Mr. SMITH of South Carolina. That was a mere expression of opinion as a citizen, and not as an engineer dealing with the things that he was employed to deal with.

Mr. UNDERWOOD. To be sure; that is why I read it. That was his expression of opinion as a citizen; but when it comes down to his opinion as the Government consulting engineer expressing his expert opinion—and no man has a better one—he says:

There is a tremendous amount of energy behind this dam. I think, perhaps, I can give you a better idea of the amount of this energy by telling you that when this structure is completed the amount of energy that will be created will be about two and one-half times that created at the Keokuk Dam. The Keokuk Dam, up to this date, is one of the biggest in the world, if not the biggest.

Two and a half times the energy created by the Keokuk Dam; and he says that dam on the Mississippi River is one of the largest in the world, if not the largest.

Then, in answer to a question of the Senator from Washington as to the amount of energy developed at the Keokuk Dam, Col. Cooper says:

Two hundred thousand horsepower. I happen to be vice president of the company there, and happened to build that plant. This plant at Muscle Shoals will have about 550,000 horsepower installed, and usable at about the same rate of use as our 200,000 horsepower at Keokuk.

As I understood the speech of the Senator from Utah [Mr. Smoot] he indicated that if this dam was built the question of its earning capacity was a doubtful issue; and yet the man whom the senior Senator from Utah says himself he considers the greatest hydraulic engineer of America makes the statement, in comparison of these two waterpower projects, that the Muscle Shoals project will have two and a half times more power, and that the use of the power is available in the same way that it is at Keokuk. He stated that the corporation at the Keokuk Dam was a successful one. On the other hand, the building of this dam by the United States Government has the advantage of a lower rate of interest on the money involved than that which goes into private enterprise, because the Government money is available for less than 5 per cent, and there is no money that is available for private enterprise for less than 6 or 7 per cent; and I have heard it stated that in dam projects, when you count the loss of interest from the time of commencing the building, it has usually averaged about 10 per cent. I say that merely to show that with this dam, with two and a half times as much power, and, according to the engineer, the same capacity for use and service, and with this cheaper money, it ought to be far more profitable than the Keokuk Dam.

I have seen it estimated by many engineers that 80 per cent of the cost of operation of a dam is in the interest on the borrowed money necessary to build it. Some others say it is 50 per cent; but even taking it at the lower rate of 50 per cent, the difference in favor of this dam built by Government money is apparent.

Col. Cooper goes on to say:

I think it would be a great mistake to take this tremendous amount of energy and say at this time, "We will just use it for one thing."

Then he goes on to say:

From careful investigations which I have made I find that the current from this dam can reach a territory of about 60,000 square miles, and that will affect people in seven States. Now, by the time the existing appropriations are exhausted there will be \$17,000,000 in this plant, and the real question before the committee, as I take it, is whether they are going to stop at the end of the \$17,000,000 and do nothing more or whether they are going to end up the work for three years, or indefinitely.

Then he goes on to say that, according to his estimates, it will take \$50,000,000 to complete the dam, from which should be subtracted the \$17,000,000 already allocated, which would require on his estimate an additional sum of \$33,000,000—not \$43,000,000, as stated here. On the other hand, the Government engineers, in estimating the cost of this dam, have estimated that the ultimate cost will be \$45,000,000 as a whole; and if you subtract from that amount the \$17,000,000 already allocated to the dam, it leaves \$28,000,000 additional money needed to complete the dam.

Mr. President, before taking my seat I just want to call the attention of the Senate to another statement of Col. Cooper. In a comparison of the Muscle Shoals Dam and the Keokuk Dam, I asked him this question:

What was the primary and secondary power there developed—

That is, at the Keokuk Dam.

Col. Cooper answered:

One hundred and twenty-five thousand primary power and 75,000 more secondary power, or 200,000 horsepower primary and secondary, representing an investment of \$130 per horsepower; but I would say that the secondary investment at Keokuk is not completed; when it is completed our total expense will be in the neighborhood of \$150 per horsepower capital account, while in the case of the Muscle Shoals Dam it is less than \$100.

Does that statement of Col. Cooper reflect the viewpoint which the Senator from Utah has presented to the Senate, that here is one of the greatest dams in the United States already in existence, and the engineer of it and its vice president say that when that dam is completed entirely the initial cost will represent \$150 per horsepower, and yet it is a successful venture; and the completion of the Muscle Shoals Dam will represent a cost of less than \$100 per horsepower. Yet the Senator from Utah would have the Senate believe that the Government could not successfully carry on this project and complete it.

Of course, I do not care to go into the question of the completion of the dam at this time, because that is not the issue before the Senate; but I was not willing to let this debate close and leave the impression that the Government would lose money on this project if it carries it out to completion.

APPENDIX.

SUNDRY CIVIL APPROPRIATION BILL, 1922.

UNITED STATES SENATE,
SUBCOMMITTEE ON APPROPRIATIONS,
Washington, D. C., January 12, 1921.

The subcommittee met, pursuant to call, at 10.30 o'clock a. m., in the committee room, Capitol, Senator FRANCIS E. WARREN presiding. Present: Senators WARREN (chairman), SMOOT, JONES of Washington, CURTIS, GRONNA, OVERMAN, UNDERWOOD, OWEN, and GLASS.

NITRATE PLANT AT MUSCLE SHOALS.

The CHAIRMAN. Gentlemen, we have an amendment to the sundry civil bill, introduced by the Senator from Alabama, Mr. UNDERWOOD, to make an appropriation of \$10,000,000 for the nitrate plant at Muscle Shoals; and we have before us Col. Cooper, who will address the committee on this subject.

Senator UNDERWOOD. Mr. Chairman, I thank the committee for giving us this hearing. I do not care to say anything myself now. When Col. Cooper has finished his main testimony I should like to have the privilege of asking him a few questions to bring out some points that I want to demonstrate to the committee about the surroundings there, and I may desire to say a few words myself. I should like to ask Col. Cooper to make his statement along his own lines.

STATEMENT OF COL. HUGH L. COOPER.

Col. COOPER. Mr. Chairman, I do not know that I am correctly informed as to just what I am expected to talk about.

I am the consulting engineer of the Government on the building of this dam at Muscle Shoals. My responsibilities relate to the designing of the work and the carrying of it out, in the sense of seeing that all of the plans and specifications are faithfully executed, the actual construction of the work being done by the United States Government. We report to the Chief of Engineers, and all the work that we do is under his direction.

As far as the nitrate question goes down there, I am not in accord with the views of the Secretary of War or the Chief of Engineers, as I understand it. I do not believe that the plant ought to be for fertilizer.

The CHAIRMAN. You have directed your attention to the line of water power and the amount of power possible to be derived from the dam?

Col. COOPER. Yes; and I thought possibly the first thing that might be of interest would be to give you an idea of what the work is going to look like when it is finished.

Senator JONES of Washington. I should like to get your views on the line you have just suggested before you go into that, with the permission of the chairman.

Col. COOPER. All right.

Senator JONES of Washington. You started to make a statement of your views.

Col. COOPER. Yes; I think this dam has potentialities in it that are very important to a large portion of the South, but I think it would be a great mistake to assign those potentialities to a Government fertilizer plant. I am one of those who hold the belief that to put the Government of the United States into business is very bad business. I think they ought to stay out of it. I think the way to get cheap fertilizer from this plant—that is, eventually to find out if that is the better use than general distribution of the power—is to finish the dam and then put the current up to competition and find out whether the best interests of the public lie along the fertilizer end or the power-distributing end.

There is a tremendous amount of energy behind this dam. I think, perhaps, I can give you a better idea of the amount of this energy by telling you that when this structure is completed the amount of energy that will be created will be about two and one-half times that created at the Keokuk Dam. The Keokuk Dam, up to this date, is one of the biggest in the world, if not the biggest.

Senator JONES of Washington. What is the amount of energy created by the Keokuk Dam?

Col. COOPER. Two hundred thousand horsepower. I happen to be vice president of the company there, and happened to build that plant.

This plant at Muscle Shoals will have about 550,000 horsepower installed and usable at about the same rate of use as our 200,000 horsepower at Keokuk. So that it has a very strong power element in it. I think it would be a great mistake to take this tremendous amount of energy and say at this time, "We will just use it for one thing." I think you should say, "We will create this energy, and when we get it created we will put the whole matter up at auction, so to speak, and we will find out where the greatest good to the greatest number will come from."

Senator JONES of Washington. I thought you were going to state whether or not you thought the Government should put it in; and if so, that you would give the reason for thinking that the Government should put it in.

Col. COOPER. That the Government should build the project?

Senator JONES of Washington. Yes.

Col. COOPER. That is what I am going to do now. From careful investigations which I have made I find that the current from this dam can reach a territory of about 60,000 square miles, and that will affect people in seven States. Now, by the time the existing appropriations are exhausted there will be \$17,000,000 in this plant, and the real question before the committee, as I take it, is whether they are going to stop at the end of the \$17,000,000 and do nothing more or whether they are going to end up the work for three years, or indefinitely.

Senator JONES of Washington. There is not \$17,000,000 spent now?

Col. COOPER. I think about \$11,000,000 or \$12,000,000.

Senator JONES of Washington. Is the other under contract?

Col. COOPER. No; it is not under contract.

Senator JONES of Washington. We could stop now, could we not?

Col. COOPER. I do not think you could.

Senator JONES of Washington. If we thought that was a wise thing to do?

Col. COOPER. I do not know whether you can call back the appropriation or not. That is for you to say.

Senator JONES of Washington. Of course we can call back an appropriation that is not obligated by contracts.

Senator UNDERWOOD. There are contracts out for some of this machinery?

Col. COOPER. Yes; about \$1,300,000 out for machinery.

Senator JONES of Washington. We could stop four or five million dollars.

Senator SMOOT. What do you think this thing could be sold for by the Government to a private concern?

Col. COOPER. I do not believe we would get much of anything for it in the present state of it, because the rate of interest that would have to be applied to the project would be so low that private people would not go into it. I think if you tried to sell it now you would lose \$10,000,000.

Senator SMOOT. Out of \$11,000,000?

Col. COOPER. No; I do not think you would lose \$10,000,000 out of the \$11,000,000. I think you could get \$3,000,000 out of it.

Senator CURTIS. You might get \$3,000,000 out of \$11,000,000?

Col. COOPER. Yes; you might not even get that; and when the work would be resumed I do not know, because private capital on a 5 per cent basis will not be found for a long time to come.

Senator SMOOT. It would not have to be on a 5 per cent basis.

Col. COOPER. I do not know that it would, but it would be a low rate on the amount of money that would be required for private capital to go on and finish it.

Senator OVERMAN. How much would it take to complete it?

Col. COOPER. From now?

Senator OVERMAN. Yes.

Col. COOPER. If there are \$11,000,000 in it now, it would take \$39,000,000 more to complete it.

Senator SMOOT. It would cost \$42,000,000 if private parties paid \$3,000,000 for it and put in \$39,000,000 more?

Col. COOPER. Yes; and I do not think you would find private capital putting up \$42,000,000 on that project in 10 years.

Senator SMOOT. Why not?

Col. COOPER. Because in order to sell its current and distribute it over a wide field it has got to have the money at about 5 per cent interest, and when you get through, I think you will find that the real interest of the Government of the United States and the large area of population down there is in the direction of having the Government go ahead and finish this thing.

I have already stated to Senator SMOOT and Senator UNDERWOOD one thing that I would like to state to the full committee, and that is that I have not a dollar's interest in this at all. I am working for the Government of the United States without any profit of any kind.

Senator SMOOT. You get a dollar a year?

Col. COOPER. I get a dollar a year, but I have not got that yet, and my contract for service to the Government is cancelable on either side on 30 days' notice, so that I am not speaking to you at all as a person who has any financial interest, and it would be a great relief to me to have it canceled.

Senator OVERMAN. You say this will furnish power to seven States?

Col. COOPER. Yes.

Senator SMOOT. You do not believe we ought to finish this water power for the purpose of going into the manufacture of fertilizer, do you?

Col. COOPER. I think that would be an awful mistake.

Senator SMOOT. What you think is this: That the Government ought to construct this power dam, finish the same, and lease the power out?

Col. COOPER. That is exactly it.

Senator SMOOT. You think it can be done and bring to the United States a return?

Col. COOPER. I am very sure of that.

Senator SMOOT. That is what your letter said to me.

Col. COOPER. Yes; and that is a practical thing, and it is a thing that I do not think the Government would be taking any chances on at all.

Senator JONES of Washington. Do you, as representing the Government, think this plant could be maintained and pay the expenses of operating it?

Col. COOPER. Yes; and get a net 5 per cent return without assuming any obligation at all.

Senator JONES of Washington. Five per cent on what?

Col. COOPER. On what the job will have cost us when it is finished.

Senator JONES of Washington. On \$50,000,000?

Col. COOPER. Yes.

Senator SMOOT. The water power of it?

Senator JONES of Washington. And then let the people who distribute it make a profit?

Col. COOPER. Yes; I have figured the price for the current so low that it would be attractive to many different lines of industry.

Senator SMOOT. I wish they would put our power plants in Utah on such a basis that we could get that rate.

Senator JONES of Washington. If it is such a desirable proposition as that, and would pay the Government 5 per cent, and then pay the private parties a profit, I do not see why private capital would not like to go into it.

Col. COOPER. Because private capital can not go in on a 5 per cent basis. The Government is the only agency that can produce the money for 5 per cent. Private capital is making 8 and 10 per cent on its investments now.

Senator SMOOT. We can not get it now.

Col. COOPER. That is the rate we are figuring.

Senator OVERMAN. You mean that when the Government has completed the dam it can lease its power at such a rate that it will pay the Government 5 per cent?

Col. COOPER. Yes; and pay all the expenses of operation and the upkeep expenses as well.

Senator JONES of Washington. If there should be nobody ready at the time to lease it the Government would have to go on operating it and sustain it.

Col. COOPER. I have got to the point which, I think, is very important and which I touched upon in my letter to Senator SMOOT. That is this: The whole southern territory is at the mercy of this project. A great many different water powers in the South are ready for development at this time, but no private capital will go in there until the policy of the Government with respect to this energy at Muscle Shoals is defined.

Senator JONES of Washington. That is, there are water powers that will serve the territory that would be served by this?

Col. COOPER. No; there are water powers in that territory that could serve that territory in conjunction with this or that could go it alone; but until the price and the policy with respect to this structure are determined, private capital will not go in, because nobody knows what they are going to do.

Senator SMOOT. From your letter I judged that there are a number of industries that are ready to put the power in, but they can not go to work and put it in if the Government is going to construct this project and sell power at a cheaper rate than they can.

Col. COOPER. That is it exactly.

Senator OVERMAN. Is South Carolina included in these seven States?

Col. COOPER. Yes.

Senator OVERMAN. There is great development there.

Senator SMOOT. Water powers can be developed in a great many places.

Senator OVERMAN. I mean the development in North Carolina and in South Carolina.

Col. COOPER. It is only a small corner of South Carolina, but there are 60,000 square miles.

Senator JONES of Washington. If this power was developed, then it would very likely prevent the development of other water powers in the territory covered by this that would be developed if this was not taken up?

Col. COOPER. No; it works just the other way. If this water power is developed, it makes possible a lot of water power in the South, in this same territory, that can not be developed at all otherwise, because this power will furnish a given number of kilowatt hours, which, if put into some storage proposition somewhere else, will create energy at a less price than either one of them can create it alone.

Senator JONES of Washington. For their own use?

Col. COOPER. Yes; for their own use, but when I say their own use, I mean it will be regulated as to price, service, etc.

Senator SMOOT. I think you misunderstood the question of the Senator, because your answer is virtually, as I understood it, and is virtually as you said before, and that is this: That if this is developed, the other private projects that are now under contemplation will not be completed?

Col. COOPER. No; they will not be completed. There will be nothing done in this territory.

Senator JONES of Washington. That is what I understood.

Col. COOPER. I misunderstood you.

Senator JONES of Washington. I thought you stated just the opposite.

Col. COOPER. No.

Senator JONES of Washington. I thought the development of this would lead to the development of the other enterprises.

Col. COOPER. No.

Senator JONES of Washington. And furnish them power which they could use in connection with that.

Col. COOPER. Let me see if I can state exactly what is in my mind.

Senator JONES of Washington. Senator SMOOT has just stated what I had in mind would be the result.

Col. COOPER. That is the situation as I see it: There are a lot of water powers in the South that ought to be developed in the territory that can be served by this plant. None of those powers will be developed until the policy with respect to the Muscle Shoals plant is known, because it might very well happen that a policy would be adopted that would call for the sale of the energy from the Muscle Shoals Dam at cost, for instance, and no private capital would undertake to go into competition with the United States Government in a matter of that kind. Now, supposing that the Government finally decides to go ahead and finish this plant and lease it to private capital. Then this plant will stimulate a great many plants and bring about the construction of a great many plants that would not otherwise be built at all, and at the same time those that could be built independently would also be constructed by private capital.

Senator UNDERWOOD. In other words, the construction of this dam would develop the building of water power throughout that entire territory.

Col. COOPER. Oh, yes; it is really the key to the whole situation.

Senator JONES of Washington. I think it would be, if it is handled in a certain way, but suppose there is nobody to lease this and that conditions are such that when it is built it would not be leased and the Government goes on running it. If the Government runs it without the idea of making a profit, would there be any other development?

Col. COOPER. The answer to that is this, that the South has already a very great need for additional power. There are 10 or 12 distributing companies in the South.

Senator JONES of Washington. In this territory?

Col. COOPER. Yes; in territory that applies here that are anxious to build right now. Some of them have approached me and tried to get me to become their consulting engineer. I have told them I could not serve them now or at any time in the future. If I have got to stay with this thing, I propose to be free from any financial interest in the future, and have told them that even after this plant is built I would not take any business down there, so that I think I am in a position to say that when the plant is built the Government will be in a position, because of the great demand for hydraulic power in that territory, to dictate its own price and will never be at the mercy of these other fellows. Just the minute this thing is finished the Government can say "unless you gentlemen agree to take this energy at these prices that will give us 5 per cent we will turn this thing over to a public instrumentality, financed with public money, that will sell in your own territory theoretically at a very much less price," and with a club like that over them you will not have any trouble at all.

Senator JONES of Washington. The others will be at the mercy of the Government.

Col. COOPER. Yes.

Senator JONES of Washington. Is anybody going to put any money into a proposition like that?

Col. COOPER. If the deal is made on a perfectly fair basis, there is always a fair way to do these things.

Senator JONES of Washington. Has it been your experience that the Government ever did these things on what you call a fair basis?

Col. COOPER. No; I do not think so.

Senator SMOOT. Then this is a project to encourage the development of industries by giving them cheap power?

Col. COOPER. Yes; and this Government can control the cheap power, and in doing so the territory can be developed, and, in my judgment, you can safely count on getting a net 5 per cent interest.

Senator OVERMAN. When it is completed and the power furnished, what is the trouble about furnishing the chemicals necessary for fertilizer?

Col. COOPER. There is no trouble about it at all; but I would not decide now which was the best way to use this energy. It is too far away. Suppose, for instance, that you decided to say that you were going to do something along the chemical lines. This plant will not be finished for three years. At the end of three years there might be a great deal better chemical use than you have to-day. I do not believe in selling anything until you have got something to sell.

Senator JONES of Washington. In your judgment, what is the use that justifies the Government in putting in that plant, aside from the money that it now has in it?

Col. COOPER. I do not think there is anything, except that it would be a great benefit to the people all over the South. It would be of tremendous benefit to the people of the South.

Senator UNDERWOOD. May I ask Col. Cooper a question right there?

The CHAIRMAN. Yes.

Senator UNDERWOOD. Of course, this improves the navigation of that river?

Col. COOPER. Yes.

Senator UNDERWOOD. And that is included in your estimate of cost?

Col. COOPER. Yes.

Senator SMOOT. You would not spend all that money for the little navigation you would have there?

Col. COOPER. No.

Senator UNDERWOOD. But if this were completed and the Government received the 5 per cent on its money, which is more than it pays for the use of the money, it would have furnished the improved navigation of that river without cost to the Government.

Col. COOPER. Yes; you can get that.

Senator UNDERWOOD. Do you not regard that a great power of this kind is a reserve war power of the Government that could be used in time of war if another emergency faced the country like the one in 1917?

Col. COOPER. Yes, I think so; but I think you can always commandeer these powers.

Senator UNDERWOOD. It is true; but to commandeer would cost more money than if we owned it and had our own control?

Col. COOPER. Yes.

Senator UNDERWOOD. And I assume that this power at the dam could be sold by the Government, if it wanted to do it in that way, under a contract that would give the Government the right to take it back in time of war.

Col. COOPER. Yes; absolutely. That would not interfere with the 5 per cent at all.

Senator UNDERWOOD. So that the Government interests outside of what might be developed in that country would be that you have a great reserve power of electricity in time of war, and you make a navigable river without cost to the Government?

Col. COOPER. Yes.

Senator JONES of Washington. In that connection, is it not the expectation that under the water power act we will have water-power development all over the country that will be available in case of war for use for various purposes?

Col. COOPER. I think so; I would not say, however, of this magnitude.

Senator JONES of Washington. Not as large as this?

Col. COOPER. No.

Senator SMOOT. Even if this were in private hands, the Government of the United States could commandeer it if it wanted to?

Col. COOPER. Yes.

Senator SMOOT. And if it does not appear that the expense is greater than it is at many industries that the Government has commandeered it would be cheaper for the Government to do that than it would be to own it.

Senator UNDERWOOD. Let me ask a question there. How much of the initial cost that is chargeable to a plant in its operation is due to the interest on the money invested and how much to working cost?

Col. COOPER. I think it is about half and half, when you get all through. I have figured that the energy would be sold to produce a gross income of 10 per cent of the cost of the plant, of which 5 per cent would be absorbed by depreciation and upkeep and operation and taxes, etc., and the other 5 per cent would go to the Government.

The CHAIRMAN. I understand your argument so far as in the line of production of water power, etc. What would be your estimate if we had not commenced this at all? How would you figure on it? In the conclusions which you have reached are you figuring that we have already spent a large amount of money, and having expended that, are you figuring more upon the difference between what has been expended and what is to be expended than upon the cost of the whole? I should like to have you explain that a little.

Col. COOPER. All right. On the basis that the Government had not done anything to this plant, I do not believe that any man at this table would ever see the time when private capital would undertake this project.

The CHAIRMAN. It is the money already spent that you think makes it desirable now?

Col. COOPER. Yes; and I think also that at any time in the future that this great power was made available, it would have to be made available by Government money.

Senator SMOOT. Why so? For instance, take some of the water-power plants out West that have been carrying power from Idaho clear to Utah—from the northern part of Idaho to the southern part of Utah, 400 miles. The expenditure on it is very small compared to this. I do not see why private capital would not develop that power there if there is a demand for it.

Col. COOPER. Your "if" is very important. We figure that it will take 10 years to market this power, and I have figured interest during the interim; but the price that we are figuring here is so much lower than the price you get out in Utah that I do not think the thing is quite comparable.

Senator SMOOT. The proposition then is for the Government to give the people of the South cheap power?

Col. COOPER. Yes; and I think that it will give that.

Senator SMOOT. And the people of the West can get their own money and put it in, and pay any price they want to for their power?

Col. COOPER. That is the situation as I see it; that this is a project that can not be developed by private money.

Senator UNDERWOOD. Let me ask you a question. I do not want to interrupt you.

Col. COOPER. Go ahead.

Senator UNDERWOOD. But if private persons desire to develop this dam they would have to pay a good deal more in the way of interest for their money than the Government pays for interest on its money?

Col. COOPER. Yes.

Senator UNDERWOOD. Would not that cut a good deal of a figure?

Col. COOPER. That is the whole thing, the controlling thing.

Senator SMOOT. Then the Government should go into everything. The Government of the United States could borrow money cheaper, and therefore ought to go into everything.

Senator UNDERWOOD. The Government is in this, and the question is whether it should continue it. And I want Col. Cooper to explain why he thinks the Government should do this, rather than private capital.

Col. COOPER. If it were put on the basis of raising this money from private capital the amount the job would finally cost would be prohibitive, when you come to figure the cost of the energy. By the time you distributed it it would not be a profitable investment.

Senator JONES of Washington. Our usual experience is that Government estimates are always exceeded very largely in carrying out work.

Col. COOPER. Yes.

Senator JONES of Washington. What do you think is likely to be the result in this case? Will this \$50,000,000 estimate take that into account, or is it likely to be \$100,000,000 instead of \$50,000,000?

Col. COOPER. It is utterly impossible for it to be \$100,000,000. My contract with the Government does not make me responsible for the cost of the work.

Senator JONES of Washington. You know the way the Government carries on work?

Col. COOPER. Yes; I know; and they are carrying on this work. The Government estimates of the cost of this work is \$45,000,000.

Senator JONES of Washington. That is the Government estimate?

Col. COOPER. Yes; and my estimate is \$50,000,000.

Senator JONES of Washington. I thought you were the consulting engineer of the Government.

Col. COOPER. Yes; but I have nothing to do with the cost estimates. Senator JONES of Washington. You have not?

Col. COOPER. No, sir.

Senator JONES of Washington. You think it will not run to \$75,000,000 or \$100,000,000?

Col. COOPER. No, sir. It is impossible for it to do that.

Senator SMOOT. Take the reclamation projects of the West. I do not believe there is a single one of them where the actual cost has not doubled the estimates of the Government, and in some cases the project has cost two and one-half times the estimate.

Col. COOPER. I am very glad you have brought up that subject, because I think perhaps I can tell you some things that I personally know that will lay that ghost.

Senator JONES of Washington. It is not a ghost so far as the reclamation proposition is concerned.

Col. COOPER. It is a ghost—not the Government paying high prices, but this question of the cost of a piece of work that is not finished. The \$45,000,000 estimate of the Government is based upon unit costs that have already been developed on the job. They are not estimates at all. They are based upon fixed plans from which we know absolutely what the cubature is, and that number of yards have been multiplied by costs that have already been demonstrated by the Army engineers, and we had access to those things, and are quite sure they are correct; and as far as the machinery goes, the estimates of the engineers are based upon prices that have already been made, so that there is practically no risk on the amount you talk about in this job at this time. The drawings are completed. The drawings that I show you—I mean to say the designs are completed all the way through. This drawing I show you is made from mechanical drawings, and the question of the foundations have been so thoroughly proved out that I do not believe it is possible that there can be any such overrun as you speak of. It is not possible for it to be there.

Senator SMOOT. I have a great deal of confidence in your judgment as an engineer, as no doubt you are aware, and perhaps in this case the estimates are based upon a little better knowledge than were the estimates on every reclamation project that we have had in the United States.

Col. COOPER. You see we know what these foundations are.

Senator SMOOT. If they are not based on better knowledge, then the \$45,000,000 might run over \$100,000,000.

Col. COOPER. We know what these foundations are all the way across. I have here a panoramic view, not very well prepared, but it is the best one we have. Here is the south shore. Here is the cofferdam. Here is the water, coming through here, and all the foundations from this point to that point are absolutely known. In other words, we know now what 95 per cent of those foundations are, and it is in a laminated limestone country, where it can not possibly change in this upper part.

Senator SMOOT. Take one of the reclamation projects in Utah. It was a proposition of cutting a tunnel through a mountain for about 2 miles. The estimates upon that were based upon the drilling, which turned out to be absolutely correct. They had no trouble whatever about that. They knew just exactly what they had to meet; and yet the cost was two and a half times more than the estimates.

Col. COOPER. That was in the unit prices going along with the estimates; but here we are figuring on absolutely demonstrated unit prices.

The CHAIRMAN. Are you figuring the cost upon what you may expect may be the cost of materials and labor, or on what the actual cost of material and labor have been for the last year or two?

Col. COOPER. We are figuring on the existing cost of material and labor. I am glad you brought up that question, Senator WARREN, because I know the engineers are figuring on existing costs, and they are gradually and sensibly being reduced from day to day.

The CHAIRMAN. But they have not reached the bottom by any means?

Col. COOPER. No.

The CHAIRMAN. The Senator from Utah has stated that the costs of reclamation projects have run up. Unfortunately for the Government, those estimates were made at very much lower prices than the rates of material and labor, even before the war.

Col. COOPER. Yes.

The CHAIRMAN. Of course, that carried them up to a certain point; and the ones that were estimated later seem to have been unfortunate also.

Senator SMOOT. On the project out at Strawberry they asked for bids to do that work, and on receiving the bids they thought they were too high, and then the Government went on and did the work itself, and it cost two and a half times more than the bids were.

Senator JONES of Washington. Has it not always been true, as a general proposition under normal conditions, that the cost of Government work exceeded the estimates?

Col. COOPER. Yes.

Senator JONES of Washington. For public buildings and all that sort of thing?

Col. COOPER. Yes. The Panama Canal was originally estimated to cost \$140,000,000, and it actually cost \$310,000,000 for the same item. Those facts do not apply to this case, because this is not an estimate of something in the future.

Senator JONES of Washington. But is it not inherent—almost necessarily—in the Government doing things like that?

Col. COOPER. Yes, it is; but it often happens very largely even in private practice.

Senator JONES of Washington. Yes, I know; but is not that generally true of the Government—the kind of men you get in charge of the work and the legislative restrictions that are about them—that they can not deal with the work as they would if it were their own?

Col. COOPER. That is all true; but in this case the Government agency is already selected and installed and has produced the unit costs, which I have checked up, and that collectively brings it up to about the \$45,000,000 estimate. Now, I have added for my own personal thought in the matter another \$5,000,000, and I think it will cost \$50,000,000.

Senator JONES of Washington. What is the Government agency you speak of as already installed?

Col. COOPER. The Corps of Engineers.

Senator JONES of Washington. That is a changing body.

Col. COOPER. That can not change while this job is on.

Senator JONES of Washington. Will the same men be on this work doing this job?

Col. COOPER. I think so. It can be fixed so that the same man will be.

Senator UNDERWOOD. Col. Cooper, the estimates were based on existing war prices for labor and material?

Col. COOPER. Yes.

Senator UNDERWOOD. If there is a reduction in the war prices as this work goes on it will have a tendency to reduce the cost, will it not?

Col. COOPER. Yes; but that question came up yesterday in a conference with the Chief of Engineers and Gen. Taylor, and I told them that in my 27 years' experience I never liked to talk about reducing costs until the work was over.

Senator SMOOT. Particularly when the Government did the work I would not guarantee, for \$10,000,000, that it would be done for this amount.

Senator UNDERWOOD. Are they not buying cement at much lower figures than those on which the estimates were based?

Col. COOPER. At least \$1.50 a yard, and no account of that has been taken in this estimate at all.

Senator UNDERWOOD. That would make a considerable reduction in the cost itself.

Col. COOPER. It would make only \$2,000,000 difference. I do not believe that the committee would be justified in taking an adverse view of this project with any idea that it would cost any less than \$50,000,000. I am quite confident that that would be a mistake. There has been too much work done, and there is too much of specific accomplishment behind it, to permit of any such adverse idea as that.

On the question of estimates, I should like to say that I understand that over in the House somebody said my estimates at Keokuk overran 75 per cent, or something like that. For the information of the committee and as a matter of record, I should like to say that the estimated cost per hour power at Keokuk came out within 1½ per cent of the actual cost.

The CHAIRMAN. Has this work proceeded to a point where you can reckon the percentage of completion as they do on such projects as public buildings?

Col. COOPER. Yes, it has; and I think the percentage of work done is the same percentage that the amount expended up to date is of the total estimate.

Senator SMOOT. Which estimate; the last estimate or the first?

Col. COOPER. The last estimate.

Senator SMOOT. The first one was ridiculous. That was in order to get the first appropriation and get it started.

The CHAIRMAN. The reason I asked that question was because I supposed that in the initial proceedings the percentage of completion would be at a higher cost?

Col. COOPER. Yes; but in the estimates, Senator, the prefatory work that has already been done has been distributed over the total.

Senator OVERMAN. You have stated that you would not advise the expenditure of this money for the purpose of furnishing fertilizer to the whole country and nitrogen in time of war, but your argument is to finish it for the purpose of furnishing power to seven Southern States. The argument on the floor has been that we want fertilizer for the whole country, for all the factories of the whole country. How do you explain that?

Col. COOPER. I am not a fertilizer expert, but just a plain, ordinary business man, and I want to say this, that I would not commit myself to fertilizers or to power or anything else at this time. I would wait until I was approximately ready to do business with somebody and then I would find out what is the best interest of the South. As I take it this is distinctly a southern proposition, and a great many people of the United States are vitally interested in what this power can do, and two years from now, or two years and a half from now, when we are approaching the time when a definite policy ought to be formed, then let the Government find out by competition—I believe in competition—whether it is the best thing to do to go into the fertilizer business or to go into the general power-distributing business. I do not think this is the right time to fix exactly what they are going to do with something that is not ready to function for three years or more.

Senator SMOOT. You do not think that the Government will ever make a success of going into the fertilizer business, do you?

Col. COOPER. I am very much opposed to it. I think it would be a great mistake. I do not think any future condition could ever arise that would ever justify the Government of the United States in embarking in the fertilizer business or any other business.

Senator UNDERWOOD. The main point I want to bring out, and I think you have already stated it, is this: Your investigations assure you, as far as an engineer can know and be sure of anything, that this dam can be built within an initial cost of \$50,000,000?

Col. COOPER. I think that is correct.

Senator UNDERWOOD. And that includes all the machinery for the manufacture of the electricity?

Col. COOPER. Yes.

Senator UNDERWOOD. And with that machinery installed, and within the \$50,000,000, at what rate could the Government sell the electricity at the dam and pay the Government 5 per cent on its \$50,000,000? I am not talking about the distributing wires, but I mean to sell it at cost at the dam. What would the Government sell it at per horsepower?

Senator SMOOT. That is, you mean with the private interests running their own transmission line?

Senator UNDERWOOD. That is not the question. I am talking about what it would cost the Government to sell the current at the plant, either to the Government itself for its own agricultural work, or power plant, or to private persons; I want to know for what it could sell that power at the dam, basing the cost on the \$50,000,000, and charging

5 per cent interest on the cost at the dam. What could the power be sold for without loss to the Government, including in that the operation of the dam and the locks?

Senator SMOOT. How much per horsepower per year?

Senator UNDERWOOD. How much per horsepower per year?

Col. COOPER. That is probably as important and practical a question as could be asked. The answer to it is rather difficult, because you would have to know what the rate of use per day of the power would be before you could make a definite answer to the Senator's question. People do not understand what the load factor is in this sort of thing; the difficulty in figuring the power price, especially when a dam has storage behind it, such as this one has, is the fact that the rate of the use of the power each day is not the same each hour. For instance, I think in this particular territory the average use of this power would be around 12 hours a day, which would be half the day, or a 50 per cent load factor. Fortunately, because we have this big pool behind us, you can accommodate the output to whatever load factor comes along in the future. Now, if we figure on a 50 per cent load factor—in other words, taking a cotton factory, such as the South is supposed to be full of, their average rate of use is 12 hours a day. Such a factory would have to pay for guaranteed power in order to take care of the 5 per cent interest, not exceeding \$15 per horsepower.

Senator SMOOT. Then if it runs only eight hours per day, it would be a third more, which is \$20.

Col. COOPER. No; if it is eight hours, the kilowatt-hour price would go down with it.

Senator SMOOT. No.

Col. COOPER. Yes.

Senator SMOOT. It would go the other way.

Col. COOPER. No; not at all. If they only use it eight hours, the four hours that they did not use it would be sold to somebody else.

Senator SMOOT. You do not know whether you could do that.

Col. COOPER. If one fellow was doing it, the other fellow would be doing it, by the same economic law.

Senator SMOOT. Suppose there was a law that you could not work the employees in those mills more than eight hours?

Col. COOPER. They would then only pay for the eight hours. You see you could use three 1,000-horsepower units for eight hours or one 1,000-horsepower unit for 24 hours. That is the advantage of having a dam with storage.

Senator SMOOT. Yes; but on your theory the machinery and everything is there for the full time, and it seems to me that the less hours you run the higher the cost will be, unless you have somebody to take the power right up and go on with it and use the other four hours or eight hours.

Senator UNDERWOOD. I am assuming, as a basis of my question, that this power could be sold.

Col. COOPER. Yes.

Senator UNDERWOOD. To make it clearer, as soon as the dam can run on a 10 or 12 hour basis a day for 310 days a year, which excludes Sundays, what could the Government sell the power for at the dam without losing money, assuming that it found a consumer, where you were running on an estimate of a 10-hour day or a 12-hour day, whichever you think it wise?

Col. COOPER. I think a conservative point is 12 hours, and that would be at \$15 a horsepower.

Senator UNDERWOOD. It can sell it at that and pay 5 per cent interest?

Col. COOPER. Yes.

Senator UNDERWOOD. Is that high or cheap power?

Col. COOPER. It is cheap.

Senator SMOOT. Very cheap. In fact, if you could get horsepower at \$15 you could redeem the deserts of the West.

The CHAIRMAN. Is the nature of the construction such that you have got to practically complete the project before you can deliver power at all, or can you, with partial completion, commence to deliver power?

Col. COOPER. By the expenditure of \$43,000,000 you can make available 25 per cent of the capacity of the plant.

Senator SMOOT. An expenditure of \$3,000,000.

Col. COOPER. Yes.

Senator UNDERWOOD. You mean a total of \$43,000,000?

Col. COOPER. Yes.

Senator UNDERWOOD. But with the \$7,000,000 you can make it all available?

Col. COOPER. Yes.

Senator UNDERWOOD. Because all you would have to install with the other \$7,000,000 would be the machinery to consume all the power?

Col. COOPER. Yes.

The CHAIRMAN. I am to understand, then, that it takes \$43,000,000 before it is practicable to deliver power?

Col. COOPER. Yes.

The CHAIRMAN. Does this project have in contemplation secondary power—steam power?

Col. COOPER. The contemplation is to use all of the secondary power that can be possibly used, and I have figured, as I have already stated, that it would take 10 years to market the primary and secondary power.

Secretary BAKER. I think your question probably did not have in mind the fact that there is already there one of the most perfect steam plants in the world, in its economies, and a very large one. It is there, ready to be used.

The CHAIRMAN. But not for the sale of power?

Secretary BAKER. It is there and could be used.

The CHAIRMAN. When you speak of primary and secondary power, please explain that a little.

Col. COOPER. Primary power is the power that is available all the year around, because there is sufficient water to turn the turbines all the year around. Secondary power is power that is not available all the year around, because of a shortage of water—a greater or less amount.

The CHAIRMAN. In other words, when your load is not up to the maximum you can turn it in part to another use?

Col. COOPER. Yes, it could be used for that; but, on the other hand, supposing you do not have a nitrogen fixation in this at all. All the public utilities in the South have got steam plants that could fill in and make up the shortage of water, and make this secondary power into continuous power.

The CHAIRMAN. You are speaking of the plants now in existence, running by steam power?

Col. COOPER. Yes; so that the Government is protected in either direction which it desires to take. If they want to go into the thing on the basis of Government manufacture of fertilizer, they have got

their steam plant on that. If they want to go into power distribution to public utilities, the public utilities have got the steam power in reserve.

Senator OVERMAN. Speaking of this secondary power, have you estimated for the building of storage dams and reservoirs?

Col. COOPER. There are no storage dams possible that would have any practical value to increase the amount of primary power. It might be done 50 years from now, but even then it would be a very small amount.

Senator UNDERWOOD. Colonel, will you explain to the committee the size and length of the dam, its height, and the amount of storage basin, so that they can visualize it?

Senator JONES of Washington. Before he goes into that let me ask him a question.

Senator UNDERWOOD. Certainly.

Senator JONES of Washington. As I understand, Col. Cooper, that when the Government gets this dam completed and the necessary things for the development of power are installed, it will not proceed any further?

Col. COOPER. No further. It will not have to proceed any further.

Senator JONES of Washington. What agency do you think will take it over? It would have to be taken over by one agency, would it?

Col. COOPER. Yes, I think that agency will probably be the five or six or seven public utilities of the South operating under the direction of the Federal Power Commission.

Senator JONES of Washington. Are those public utility companies in existence now?

Col. COOPER. They are.

Senator JONES of Washington. Where and what are they?

Col. COOPER. Birmingham, and the Alabama Power Co., the Southern Power Co., and the York, Pa., interests—a great many of them.

Senator JONES of Washington. You think they would get together and form one company?

Col. COOPER. A distributing company that would get its rate of existence specified and the cost of selling the power specified in the lease that the Federal Government would execute for the use of this energy.

Senator JONES of Washington. Suppose such an agency as that should not be formed and could not get together. Then the Government would have to maintain it and establish distributing systems and everything else.

Col. COOPER. The supposition that they would not proceed in that line is an economic mistake, because it is to their own interests to do it.

Senator SMOOT. They will do it all right.

Col. COOPER. Oh, absolutely; they will do it, and they are going to do it now.

Senator JONES of Washington. Build a plant?

Col. COOPER. No; but they are wanting to form an association to handle this current under this superpower commission that the Government is back of. This is a good thing. There is nothing in this project, as I see it to-day, that is not a very worthy use of public money. I do not think there is anything about it that can be criticized, if you will just stick to the power end of it.

Senator UNDERWOOD. Will you explain to the committee the size of this dam. I want to get it into the record. I think the committee probably understand it, but I would like to have the record show the size of the dam and lake and the physical properties there.

Senator SMOOT. And the maximum horsepower that can be developed.

Col. COOPER. I have so many of these plants on hand that I have to make a little calculation; but I will say this, with respect to the maximum horsepower that can be developed—and this is very important, because we have got back to the question asked by Senator JONES and other Senators with respect to the reliability of the estimate—we have made an independent test of the quantity of water that passes this point, covering the last 20 years. No engineer or anybody else can tell how much it is going to rain in the future; but based upon the average of 20 years, and a check-up which we have made that is absolutely independent of the work of everybody else, I would like to have the statement go into the record that in my opinion this plant should be developed for 550,000 horsepower.

Senator SMOOT. Has the Geological Survey taken measurements during those 20 years?

Col. COOPER. Yes; many measurements, and the Army have made many measurements, and we have made 45 measurements.

Senator SMOOT. And all of them practically agree?

Col. COOPER. They agree surprisingly well. I do not remember whether there was even 1 per cent of difference. It is on those measurements that I base the statement as to 550,000 horsepower.

Senator SMOOT. How much of that is primary and how much secondary?

Col. COOPER. One hundred thousand is primary and 450,000 secondary; and 100,000 primary power will produce for commercial use 700,000,000 kilowatt-hours per annum. The amount of kilowatt-hours that will come of a secondary power character will be 1,470,000,000 kilowatt-hours. I think you ought to know that that means 6,500,000 tons of coal per annum saved in that district.

Senator SMOOT. When used.

Col. COOPER. When used. I have figured that it will take 10 years to get it into commission. This is not a promoter's estimate. I have taken the adverse view and the overconservative view of it altogether.

The CHAIRMAN. In a project of this size, with the amount of primary power which you have, do you consider it good business in the first instance to go on with the development of secondary power as well?

Col. COOPER. That question is answered in this way: We only put in the work for low water at this time. The \$7,000,000 is to be put in as and when needed and at the rate that it is needed, so that there is very little of the money required for the secondary power that goes in in the first instance.

The CHAIRMAN. That is, you get the secondary power for a small additional expense?

Col. COOPER. Yes; and the sale price I have figured for the secondary power is only 30 per cent of the primary-power rate. Senator SMOOT will agree with me that it is a very low price.

Senator SMOOT. A very fair price, comparatively.

Senator JONES of Washington. Does it cost \$43,000,000 to make available 100,000 primary horsepower?

Col. COOPER. Yes.

Senator UNDERWOOD. It would make the other 450,000 secondary horsepower available for an additional expense of \$7,000,000 when it was needed?

Col. COOPER. Yes; as and when needed; and it would take 10 years to do that.

Senator SMOOT. That will not give you the additional machinery necessary as well as the building of the dam to hold that much more water, will it?

Col. COOPER. The dam is completed in the first instance.

Senator SMOOT. For all the secondary power?

Col. COOPER. Yes. The dam and all the navigation facilities are all completed for the first \$43,000,000.

Senator SMOOT. It would take at least \$7,000,000 to put in the machinery?

Col. COOPER. The \$7,000,000 covers the cost of the secondary installation.

Senator GRONNA. How long will it take to build the dam for the primary power?

Col. COOPER. I think 36 months yet.

Now, another statement I would like to put in the record is this: It is my belief that the construction of this thing by the Government in the manner that I have recommended will save the power consumers in this 60,000 square miles of territory \$10,000,000 a year in power bills. Now, I would say this, that when you get ready to do real business, and decide what you ought to do to this, if you can find a use for this vast amount of energy that will be more profitable than is represented by the saving of the \$10,000,000, then I would say go to the other thing; but I would find out, just as you would with private capital, and I would find out the best trade I could make with this thing—and you are in no trading position now.

Senator SMOOT. Can you estimate what it will cost per horsepower per year for the distribution lines from the dam to the place where the power should be used, meaning by that the average; because, of course, those which were close by would not cost as much, and those farther away would cost more. But take an average distance for the seven Southern States, and what would the distribution lines add to the \$15 a year per horsepower for the power created at the dam?

Col. COOPER. I think about \$12.

Senator SMOOT. Making an average of \$27 per horsepower.

Col. COOPER. Yes; which is a good deal less than half the cost by steam.

Senator SMOOT. Yes; I am quite sure it would be.

Col. COOPER. Yes; you can not possibly lose anything.

Senator JONES of Washington. You said that it might be contemplated to furnish this power for certain industries, but after we got it ready for distribution we might find a more attractive proposition presented by other industries and attempt to divert it to that use. What situation do you believe would then arise? Do you not think that you would find these different conflicting interests appealing to their Senators and Representatives to prevent diversion to this other use and all that sort of thing?

Col. COOPER. Of course, I will never be a Senator or public official, but if I were either one I would tell those fellows that I would use my own judgment and they could do what they pleased.

Senator JONES of Washington. I was just asking whether that would not be the result.

Senator SMOOT. You would not get very many votes if you did that.

Senator JONES of Washington. That would cause a whole lot of trouble and would be likely to interfere with the efficiency of the plant.

Col. COOPER. No; I do not think so. You can not change the efficiency of this masonry.

Senator JONES of Washington. Not of the masonry, but you just suggested that you could make \$10,000,000 using this in a certain way, and yet some other avenue might open up wherein you could make \$15,000,000 a year. If so the chances are you would not go into the \$15,000,000 proposition.

Col. COOPER. Yes; I would.

Senator JONES of Washington. You can not run the Government in that way.

Col. COOPER. I think we should carry on all work on the basis of creating the greatest good for the greatest numbers; and if at the end of this thing I found the best I could do as a power proposition for the people of that district was \$10,000,000 a year, and I found I could make a benefit of \$15,000,000 a year for the people thereby using it along certain lines, along chemical lines, or if that benefit of \$15,000,000 related not only to the people there but all over the United States, I would put it into the \$15,000,000 proposition.

Senator SMOOT. You would if you owned it or controlled it.

Col. COOPER. I do not see why the Government does not control it.

Senator SMOOT. Oh, well, that is a different proposition.

Senator GRONNA. Are you speaking of the gross or the net profit?

Col. COOPER. The net profit.

Senator GRONNA. So that if the Government invests \$50,000,000 in the Muscle Shoals Dam there is a possibility of making \$10,000,000 a year profit?

Col. COOPER. To the people down there.

Senator SMOOT. Not to the Government, but to the users of the power in the seven States.

Senator CURTIS. The saving to them.

Col. COOPER. Yes; and at the same time the Government gets 5 per cent interest on the money it has put in. That is the expression of my best judgment.

Senator GRONNA. That the Government would get 5 per cent?

Col. COOPER. Yes; and the people save \$10,000,000 in their power bills.

Senator SMOOT. That it would be an average of 5 per cent.

Col. COOPER. Yes.

Senator SMOOT. Not for the first 5 or 10 years.

Col. COOPER. No; that it would average 5 per cent over the time of the lease, that the Government would get its full 5 per cent.

Senator UNDERWOOD. Then the Government would get 5 per cent on its money?

Col. COOPER. Yes.

Senator JONES of Washington. Looking at this from the national defense standpoint, do you think that would justify the Government in putting it in now?

Col. COOPER. Oh, no; I do not think so.

The CHAIRMAN. Col. Cooper, if I understand you correctly, it would not be the purpose to keep this steam power in use for the manufacture of fertilizer or nitrogen, and so on. You would not like to use the secondary power or steam for that?

Col. COOPER. No; I have tried to present this thing to the committee on the basis of what the worst thing is that you can do; that is, the poorest showing you can make, and the one I am talking about would be where the steam plant of the Government would not be called into requisition at all, that the steam reserves would be supplied by the

power companies. I have put it on that basis, because it is a basis that I know something about. The fertilizer business I do not know anything about.

The CHAIRMAN. The steam power is there to a large extent already? Col. COOPER. Yes.

The CHAIRMAN. And the cost of the upkeep is considerable of course, whether used or not used?

Col. COOPER. Yes.

The CHAIRMAN. And your idea is that it would be perhaps some years before it would reach the place where it would be used.

Col. COOPER. Yes; I think so. But if you went before these public utility companies I think you would find that the same trade that leased this hydroelectric energy would take into account the taking care of the steam plant, which is a small amount.

The CHAIRMAN. In other words, that would be behind it as a guaranty or insurance.

Col. COOPER. Yes; I think the two would work very well together, and I think the Government is in a position to guarantee itself against loss and in a position to create very wide benefits by a great number of people.

Senator UNDERWOOD. What is the length of that Muscle Shoals Dam?

Col. COOPER. About a mile.

Senator UNDERWOOD. What is the height?

Col. COOPER. It lifts the water 92 feet.

Senator UNDERWOOD. What is the storage basin behind it?

Col. COOPER. It is about 20 square miles, but we have never figured that the storage basin behind it had any value except for daily peak-power requirements.

Senator UNDERWOOD. But there is a very large storage basin behind it?

Col. COOPER. Yes; a very considerable basin behind it, but we do not estimate that of any value.

Senator UNDERWOOD. Now, as a matter of comparison as showing the availability of this power, you built the so-called Keokuk Dam on the Mississippi River?

Col. COOPER. Yes.

Senator UNDERWOOD. You are one of the officers of that company now?

Col. COOPER. Vice president.

Senator UNDERWOOD. What was the cost of that dam?

Col. COOPER. About \$26,099,000.

Senator UNDERWOOD. What was the primary and secondary power there developed?

Col. COOPER. One hundred and twenty-five thousand primary power and 75,000 more secondary power, or 200,000 horsepower, primary and secondary, representing an investment of \$130 per horsepower; but I would say that the secondary investment at Keokuk is not completed; when it is completed our total expense will be in the neighborhood of \$150 per horsepower, capital account, while in the case of the Muscle Shoals Dam it is less than \$100.

Senator SMOOT. In this project it is 100,000 primary horsepower and with the Keokuk project it was 125,000 horsepower?

Col. COOPER. Yes.

Senator UNDERWOOD. This dam will be at least twice as great in its capacity to produce kilowatts as the Keokuk Dam?

Col. COOPER. Two and a half times.

Senator UNDERWOOD. And it will cost at least a third less per horsepower?

Col. COOPER. Yes, sir.

Senator UNDERWOOD. What is the average rate of interest that the Keokuk Dam is able to make on the capital invested?

Col. COOPER. We are not earning on a basis that will tell us that story yet. Up to date we are earning about 6 per cent.

Senator UNDERWOOD. What is the Keokuk power selling for?

Col. COOPER. About \$23, on the same basis that we are using here—\$23 to \$24.

Senator SMOOT. At the dam?

Col. COOPER. No; at the dam it is about \$19.

Senator SMOOT. As against \$15?

Col. COOPER. As against \$15. This is really a cheaper proposition and a better hydraulic proposition than the Keokuk Dam. I have looked at it many hours, and compared the two one with the other, and I am thoroughly satisfied as to that.

Senator OVERMAN. Where is the Keokuk Dam situated?

Col. COOPER. Across the Mississippi River at the southern boundary of the State of Iowa.

Senator UNDERWOOD. A good deal of that power at the Keokuk Dam you send to St. Louis?

Col. COOPER. Yes, sir.

Senator UNDERWOOD. What is that power sold at in St. Louis?

Col. COOPER. It is sold at about \$33.

Senator UNDERWOOD. Thirty-three dollars in St. Louis?

Col. COOPER. Yes; to the central consumer.

Senator UNDERWOOD. And you have no difficulty in obtaining purchasers for the power?

Col. COOPER. None whatever.

Senator UNDERWOOD. You could sell more than you have?

Col. COOPER. Yes.

Senator UNDERWOOD. And you do not think there will be ultimately any difficulty in finding purchasers for this power?

Col. COOPER. I think that it will be all sold.

Senator OVERMAN. Could the Keokuk Co. and the Southern Power Co. of North Carolina get any benefit from this development?

Col. COOPER. No.

Senator SMOOT. Did the Keokuk Dam Co. put in the distributing system? Did they carry that power from the dam to St. Louis?

Col. COOPER. They carried it to the step-down transformer station 14 miles out of St. Louis.

Senator SMOOT. But it was within 14 miles?

Col. COOPER. Yes; within 14 miles. Our distribution sets are 142 miles long.

Senator SMOOT. And this price of \$33 per horsepower includes the cost of transmission?

Col. COOPER. Yes; it includes the cost of transmission and local distribution.

Senator SMOOT. And local distribution as well?

Col. COOPER. Oh, yes; in big blocks, not in little blocks.

Senator SMOOT. They are getting cheap power.

Col. COOPER. Yes; they are.

Senator UNDERWOOD. What is the cost of distribution wire, say, 100 miles, for 100,000 horsepower?

Col. COOPER. Do you mean the gross cost of a transmission system?

Senator UNDERWOOD. I do not know whether I express myself correctly, but I should like to have the record reflect what the cost is, not of the aggregate, but what it would cost to build the distribution wires on some unit, so that the Congress will understand.

Col. COOPER. On the basis of 100,000 horsepower distribution and 100 miles of distribution, at the present price of copper, I should say that it would cost, including right of way, somewhere in the neighborhood of two and a half million dollars.

Senator UNDERWOOD. Two and a half million dollars to build the plant to distribute—

Col. COOPER. To build the transmission system to distribute 100,000 horsepower 100 miles away.

Senator SMOOT. That is only the line and the poles?

Col. COOPER. Just the line; yes—that is, the step-up transformers, but not the step-down transformers.

Senator UNDERWOOD. Where you went into a distribution system you would find those already there, would you not?

Col. COOPER. Yes.

Senator OVERMAN. How far can you carry this power?

Col. COOPER. It depends upon the price of the coal with which you have to compete. On the basis purely of scientific achievement, it is quite possible to carry it 400 miles.

Senator SMOOT. We are doing that now.

Col. COOPER. Yes; absolutely; but on the basis of how far you can carry it commercially, it depends upon the price of coal. With coal at \$5 a ton or \$6 a ton you can go 400 miles, but if you are competing against \$2.50 coal, 150 miles is the maximum distribution.

Senator UNDERWOOD. Your final conclusion about the matter is, Colonel, that the dam ought to be completed; that now that it is started, and we have the money in there, it is the economical thing to do to complete the dam?

Col. COOPER. Yes; you will lose \$4,000,000 if you do not. I should like to direct the attention of the Senators to this photograph again, because it gives you some idea of what I refer to when I say that if you shut down the plant it will cost you \$4,000,000. Here is this vast amount of work distributed over a mile of distance; all these derricks, all these locomotives, all these temporary bridges and temporary cofferdams and all that sort of thing will have to be totally abandoned; and if you shut this plant down now and start it up, say, three years from now, the minimum loss you will have sustained is \$4,000,000, without any compensation; and if you sustain the \$4,000,000 loss you never can put the plant on a 5 per cent basis in the future.

Senator SMOOT. Unless we sold out entirely.

Col. COOPER. Then you would have a bigger loss yet.

Senator UNDERWOOD. Without asking you to repeat what you have already said, you think it is advisable and the best course for the Government to pursue to complete the dam, and then you feel assured that if it is completed now the Government can undoubtedly receive, either from one source or from another, 5 per cent interest on every dollar that is put into the dam?

Col. COOPER. I so believe. That is the minimum.

Senator UNDERWOOD. That is the minimum that it can receive?

Col. COOPER. Yes, sir.

Senator UNDERWOOD. I believe that is all I want to ask.

Senator JONES of Washington. But you do not expect the Government ever to get its capital out?

Col. COOPER. I certainly would if I were Secretary of War. I would negotiate a contract with this crowd down there to get every dollar of it out.

Senator JONES of Washington. Do you think they could afford to pay 5 per cent interest?

Col. COOPER. At the end of 50 years the price of coal in this country will be such that the next lease that they made would contain an amortization provision that would take care of that thing and wipe it out in 10 years.

Senator JONES of Washington. You think that could be done in about 60 years?

Col. COOPER. Yes; I do not think in this first period there would be any need of amortization at all.

There is only one other thing I want particularly to say to this committee before I sit down, and that is this—that I am not in any way interested in any public utility in the South, and have declined to be at any time, now or in the future. I have kept myself out of a very large amount of prospective business for the sake of this Government and a dollar a year, because I can not possibly be in a position like this: Suppose the recommendation that I have made prevails, and some public utilities down there came across and got the power, and then I joined them on a profit basis; the dirty-minded people could say, "Why, he planned this whole thing as far as he was able to so that these public utilities could get a fat thing out of it." They will never get a fat thing out of it if the Secretary of War and the Federal Power Commission function properly; but I have put myself now and in other ways in a position where never at any time in the future will I accept a dollar's worth of retainer from any power company that will ever have any business relations with this Government.

Senator SMOOT. That cuts you out of seven Southern States?

Col. COOPER. Yes; I have shut myself out of those seven States forever, and I want this committee to know it.

Senator SMOOT. I want to congratulate you upon the fact that the Keokuk Power Co. is selling power delivered at \$33 per horsepower, when it is going to cost under this project \$27 and more, actual cost at this dam; so you are doing splendid work.

Col. COOPER. We are. We have been complimented, strange as it may seem, by the public service commissions of a lot of States that formerly thought we were very bad people.

Senator JONES of Washington. Mr. Cooper, do you think the Water Power Commission ought to have the control of the disposal or distribution of this power?

Col. COOPER. I do; no other agency.

Senator JONES of Washington. We ought to have a provision in the bill that is pending, for instance, if it is passed, giving them control?

Col. COOPER. Absolute, exclusive control.

Senator UNDERWOOD. When you answered the Senator's statement about this power costing \$27 per horsepower, of course you meant, in answer to that, the cost of the power and distribution both?

Senator SMOOT. Oh, yes.

Col. COOPER. Oh, yes.

Senator UNDERWOOD. I knew it, but I just wanted the record to show it.

Senator SMOOT. I spoke of it, you know, in connection with the power that was distributed by the Keokuk Power Co.

Senator UNDERWOOD. But at that rate, counting the \$27 for making the power and distributing it, it is very cheap power, is it not?

Col. COOPER. Oh, yes.
 Senator SMOOT. There is no question about it.
 Senator UNDERWOOD. Colonel, did you want to say anything further?
 Col. COOPER. No.
 Senator JONES of Washington. Did you see the amendment which Senator UNDERWOOD read into the record, I think yesterday or day before, that somebody suggested should be offered to the pending bill, relating to control by the Water Power Commission?

Col. COOPER. No.
 Senator JONES of Washington. Do you know what that was?
 Col. COOPER. No; I do not know anything about it. I never heard of it.
 The CHAIRMAN. I wish to say to Col. Cooper that the committee are very much obliged to him.

Mr. DIAL. Mr. President, I desire to say that I am thoroughly opposed to the Government carrying on any business that can be conducted by a citizen. I do not deem it fair that the Government should compete with its citizens as an ordinary proposition, but this proposition is an extraordinary one. The product of the Muscle Shoals plant is needed in time of war. So far as I am concerned, I wish it had not been commenced; but having been commenced, and a large sum of money having been expended upon its construction, it seems to me the part of wisdom to complete it at as early a date as practicable. If it were abandoned now, or shut down, all the apparatus would rust, and it would deteriorate more by nonuse than by use.

Because it is located in the South there should not be any prejudice against the project. In the nature of things it is there, and it can not be moved. It is unkind and unfair to try to create any ill will by such an argument. If we should undertake to sell it, judging by the prices we get for abandoned camps and war supplies, we would get an exceedingly low price—in fact, only a small percentage of what it cost. If it could be disposed of for anything like its cost, or for a reasonable figure, perhaps that would be the best course to pursue. But there is no other alternative, to my mind, except to complete it.

I was pleased to hear the figures as to the estimate of its cost. As the Senator from Alabama [Mr. UNDERWOOD] has just said, the estimate was less than \$100 per horsepower. I have had some experience in building a hydroelectric plant, and it is understood that if one can be built for even \$200 a horsepower, if the plant is within reaching distance of customers, it is a good investment. The prices of engines, boilers, and all such materials fluctuate greatly, and I do not know what the present cost would be, but, from former experience, I imagine a steam plant of this capacity would cost perhaps half the amount estimated for this water-power plant. We all know that a water-power plant possesses great advantages over a steam plant. You have no coal to buy, your motive power is furnished you free, and no doubt it would be a paying proposition if managed properly, and I have no reason to say it would not be managed properly. While I am not very much in love with Government management—I think it is a great failure in many respects—that is no reason why we should condemn it.

This plant is located within a reasonable distance of a market, and it should make fair returns from the beginning, but I feel it is unfortunate that an amendment was adopted fixing a certain percentage which this plant had to make in such a short time. We all know that all enterprises have to get upon their feet, and it would be a remarkable proposition if a plant could make money from the beginning.

I happen to know of a plant in my section of the country which was built several years ago, and within 30 days after the plant was completed and turned over to the owner a flood came along, the greatest flood of which we had any record, and a great deal of the plant was washed away, and at least half of the capital was destroyed, and the question was whether they should abandon it or complete it. The owners decided to complete it, and to-day that proposition is paying anywhere from 25 to 33 per cent per annum; and there is no reason in the world why this plant should not pay.

As I said, I do not believe in the Government competing with citizens, but there is no other course open except to complete this plant, and there is no reason why it should not make handsome returns upon what it costs.

Mr. HEFLIN. Mr. President, I am in hearty accord with the position of the Senator from South Carolina [Mr. DIAL] when he said that he did not want to see the Government go into business generally. The Government in this instance is undertaking to supply itself with something that it very much needs, and something that it does not possess.

The Senator from Utah [Mr. SMOOT] said he was in favor of selling the whole project just as it now stands. Just a few months ago he stated on this floor, as the Senator from Mississippi has pointed out, that he wanted to appropriate all the money necessary to complete this very project. But the Senator from Utah has changed his mind.

I am hoping that after this bill passes the Senate, as I sincerely hope it will, by the time it gets through the House and comes back, the Senator will have changed his mind again and be in favor of the measure.

But the Senator says it can not succeed. Plant No. 2 has already succeeded; it is already producing the stuff for which it was built. The senior Senator from South Carolina [Mr. SMITH] had samples of the nitrate and fertilizers here on his desk that were manufactured at the plant at Muscle Shoals.

But the Senator from Utah said it will not succeed. That same thing was said about the irrigation projects on the arid lands of the West. Daniel Webster and Henry Clay both said that the arid section of the country would always remain a barren waste, and yet I have seen this Government convey water to those arid lands, and make them produce as the most fertile soil of the country, and it has made that once barren waste to produce in abundance and blossom as the rose.

I heard it said that we could not fly an airplane heavier than the air, and yet at Fort Myer I saw Orville Wright prove that you could do that very thing.

It was said years ago that you could not send a telegram by electricity, and a Member of Congress was defeated because he voted to appropriate \$30,000 to make the experiment and see for certain whether or not it could be done. Back at home on the hustings his opponent charged that he had voted for an appropriation to send a telegram by lightning, and he was defeated, and yet to-day we flash messages by electricity across the continent and under the ocean to the uttermost ends of the earth.

Various things once considered doubtful or impossible have been accomplished, so we will not be discouraged because the Senator from Utah says that the Government's nitrate project will not be a success. It has already proven itself. It has already succeeded in producing the material for which it was constructed. Projects of this same character have succeeded in other countries; they succeeded in Germany and in France, and does anyone doubt the ability of our own people to make it a success in the United States?

Mr. President, when it is completed it will turn out nitrates for the Government and free it from dependence on a foreign country for its nitrates. It will furnish fertilizers to farmers, and it will deliver them from the clutches of the fertilizer trust, as I said before. Not only that, but the Senator from Utah has shown us that certain power companies are waiting to buy power from this very dam. So it can be made to serve four purposes—furnish nitrate to the Government, furnish fertilizers to the farmers, relieve them from the exorbitant prices now exacted by the fertilizer trust, and make money selling horsepower produced at Muscle Shoals. It will, when finally completed, serve the good purposes mentioned and also prove to be a good investment for the Government.

Some one has said that when the Wilson Dam is completed it will produce a gross annual income of \$4,555,000, which is 10 per cent of the cost price of \$45,000,000. As the Senator from South Carolina has just suggested, this will save to the people of the United States coal to the extent of 6,500,000 tons a year. It is a good project, and the Government should be permitted to go on and complete this great project rather than throw away the eighty-odd million dollars already expended. I submit, Mr. President, that if we follow the course suggested by the Senator from Utah [Mr. SMOOT] we will deprive the Government of the privilege of freeing itself from dependence upon a foreign country for nitrate in time of war and will throw away the opportunity of greatly benefiting the farmers of America by furnishing them more and cheaper fertilizers. Let no man who claims to be the friend of the farmer vote against this measure. Let no one who claims to be the friend of adequate preparedness for the national defense vote to destroy the Government's nitrate plant at Muscle Shoals. Let no one who wishes to see this Government free from dependence upon a foreign country for its explosive power in time of war vote against this bill.

Mr. KING. Mr. President, for information, what is the amendment before the Senate?

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to further amendment.

Mr. KELLOGG. As I understand the Senator from Alabama [Mr. UNDERWOOD], the testimony of Col. Cooper did not apply to this particular bill, but Col. Cooper simply recommended the completion of the dam, and this does not provide for that at all.

Mr. UNDERWOOD. The Senator probably was not in the Senate when I commenced my remarks. I said that the dam was not involved in the bill directly, but the Senator from Utah

[Mr. SMOOT] had referred to it, and I was addressing myself to his remarks and his criticism.

Mr. KELLOGG. I heard that. As I said, as I understand the Senator from Alabama, this bill does not apply to the question of the completion of the dam, and, so far as the nitrate plant is concerned, Col. Cooper advised against the Government going into that business, so that I do not see how his testimony in any way supports the contention of the Senator from Alabama that Congress should complete this plant and go into the nitrate business.

There was one suggestion made in the speech of the Senator from Washington [Mr. POINDEXTER] on yesterday that I would like to call to the attention of the Senate in view of the amendment to subdivision (e) of the bill, on page 6. As I read subdivision (e) it confers upon the corporation by direction of the President all of the President's powers under the national defense act, of which sections 120 and 124 are parts. Subdivision (e) reads as follows:

By direction of the President, to act as his agent in carrying out and performing any or all of the duties imposed upon him by section 124 of the act of June 3, 1916, known as the national defense act, including, after its completion, the operation of the hydroelectric power plant now being constructed at Muscle Shoals—

And so forth.

That does not confine the grant of power simply to the Muscle Shoals project. It simply includes, as one of the numerous powers conferred upon the President under the national defense act, the operation of the hydroelectric power plant after its completion. It leaves subdivision (e) so that the President can, through the corporation, carry out and exercise all of the powers in section 124 of the national defense act and all of the powers in relation to this subject in that act.

Not only that, but the subsequent part of subdivision (e) expressly confers all these powers, for it provides, among other things:

And the President is authorized, in his discretion, to delegate to the corporation any and all powers and duties conferred or imposed upon him by said act which relate to the production, development, or manufacture of atmospheric-nitrogen products, or which are incidental thereto.

The Senator from Washington read the sections referred to and stated the powers conferred upon the President.

Mr. President, I do not believe there was ever a war or an emergency in this country where such extraordinary powers were conferred upon the President as were conferred by these acts and particularly by the act referred to. They apparently are not limited or defined. I make no complaint of that. The President insisted that they were necessary, and the Congress, in order that nothing might be neglected to win the war, conferred upon him these powers. I am opposed to the continuance of such unlimited, indefinite powers as these by the President or by the corporation in times of peace. I believe that the bill ought to define the powers conferred upon the corporation and upon the President. Congress ought to define those powers as powers proper to be granted in times of peace and ought not simply to refer to the national defense act and to confer upon the President and the corporation those extraordinary powers which were conferred upon the President during the war.

I believe the people of the country have come to the conclusion that those powers ought to have ended some time ago, and the President ought not now, and certainly ought not hereafter, to be exercising those powers granted for war purposes.

I shall not take the time of the Senate to go into the details of the powers referred to, but the different powers conferred by section 120 are most extraordinary. That section provides:

The President in time of war or when war is imminent may exercise the following powers—

I am now speaking of section 120. We are still in war, legally, and just when we will get out of it I do not know that anyone can tell—certainly not until after the 4th of March.

But, passing from section 120, I come to section 124. The power of the President was not exhausted by selecting Muscle Shoals, because he might select any site or sites, and he might select a half dozen sites for dams "upon any navigable or non-navigable river or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act."

But it will be said that by the amendment agreed to this morning that power has been taken away from the President. The amendment adopted this morning simply took away from the President the power to acquire, by condemnation or in any other manner, any water-power site or hydroelectric power plant other than the site at Muscle Shoals, but it left the President free to acquire, "by lease, purchase, gift, grant, or devise, materials, minerals, processes, patents, necessary for the construction and operation of such plants." So that the corporation may go out and, under the direction of the President, still exer-

cise the war powers granted by section 124, if not by other sections of the national defense act, which are vast powers, undefined, unrestricted, and which may place a tremendous burden of debt upon the people of the United States.

The Senator from South Carolina [Mr. SMITH] said yesterday that the President's power was limited by the appropriation of \$20,000,000 for the project. If that is true, I should like to know how it is that the President spent more than \$100,000,000 in the construction of the plant and took the money from other appropriations made for general war purposes. If these powers continue in the President, I do not know how much money may be available in other appropriations which may have been made. I am told that there is \$7,000,000 still available of the \$20,000,000, and although they have spent over \$100,000,000 on the plant, there is nothing to prevent the President, as I understand it, from spending that \$7,000,000 in the completion of the dam. The Senator from New York will correct me if I am wrong.

Mr. WADSWORTH. He can spend it for any purpose connected with the dam or the project.

Mr. KELLOGG. There is no evidence that I know of before Congress that any more money is needed for the present for the construction of the dam than the \$7,000,000 now available. But if the President goes on under the powers conferred under subdivision (e), he may impose great obligations upon the country, legal obligations for which it would be the duty of the Congress to make appropriations.

It seems to me, as I have listened to the debate upon the bill, that the Congress ought to have definite information as to just what it is going to cost and what the plan of operation of the power plant and other plants is. We ought not to be legislating in general terms and conferring upon the President and the corporation war powers without limitation in times of peace. The Government ought not generally now to be investing large sums of money to go into private business. I have not heard of any testimony before the Senate which would show that practically any material necessary or to be used can with advantage be produced commercially by the company for fertilizer.

It is about time that Congress stopped spending money extravagantly in plants like shipping plants and power plants until we know where we are coming out with the enormous Government deficit and the bills that we already have got to pay. It does seem to me as though at least this one provision, which I have not discussed, and many other provisions, the particulars of which have been presented so ably by other Senators, should be further considered, and that we ought to make the powers conferred upon the corporation specific and definite and not merely refer to the national defense act.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

Mr. WADSWORTH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Beckham	Harris	Nugent	Stanley
Calder	Harrison	Page	Sterling
Capper	Heflin	Philips	Sutherland
Culberson	Henderson	Pittman	Swanson
Curtis	Johnson, Calif.	Poindexter	Townsend
Dial	Jones, N. Mex.	Robinson	Trammell
Dillingham	Kellogg	Sheppard	Underwood
Fernald	King	Simmons	Wadsworth
France	McKellar	Smith, Md.	Walsh, Mass.
Gay	McNary	Smith, S. C.	Williams
Gerry	Moses	Smoot	Willis
Gronna	New	Spencer	

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The reading clerk called the names of absent Senators, and Mr. KNOX, Mr. LA FOLLETTE, and Mr. WARREN answered to their names when called.

Mr. ASHURST, Mr. COLT, Mr. OVERMAN, Mr. WALSH of Montana, Mr. HALE, Mr. GLASS, Mr. JOHNSON of South Dakota, Mr. KEYES, and Mr. McCUMBER entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The pending question is, Shall the bill pass?

Mr. POINDEXTER. Mr. President, I understand one of the strong arguments in behalf of the passage of the pending bill is that it will relieve the farmers from the grip of the fer-

tilizer trust. If a condition such as that exists, it would be a very important element in this problem which we are trying to solve; but so far as I have been able to attend the debates I have not heard any presentation or analysis of the situation as to fertilizer upon which it would be possible for anyone to form an opinion upon that subject.

My understanding is that the Muscle Shoals plant will manufacture sulphate of ammonia, and there is not any showing here that there is any combination or trust or oppression of the farmers in the sale to them of that commodity or in the condition of the supply of sulphate of ammonia, and unless there is, of course, the argument to which I have referred loses its force altogether.

I am told—I can not personally vouch for the reliability of the statement, but upon what I regard as very reliable authority—that there is an oversupply at the present time of ammonium sulphate in the country and that there is very little market for it. Germany when she entered the war had a great advantage over the Allies by reason of the large extent to which she had developed the process of the manufacture of coke in what are called by-product ovens. When she captured Belgium and northern France she added to her control of by-product coke ovens a large number of them which were located in those territories and which supplied ammonium sulphate, which is obtained from the gases that ordinarily escape under the old process of manufacturing coke, but which are reduced under the new process of the by-product system from the coke ovens to which I have referred.

I am informed—and if it is correct it is a very important consideration in connection with the disposition of this bill—that in recent years, largely since the United States entered the war with Germany, the method of manufacturing coke by this new process has so developed that we now have as many by-product coke ovens in the United States as Germany had when she began the war against France. If that is the case, and if there has been produced by that system at the present time an oversupply of ammonium sulphate, which is the product to be obtained from the Muscle Shoals project in case it should be completed, I fail to understand how the Fertilizer Trust, if there is a Fertilizer Trust, will be affected in any way at all by adding this additional source of supply.

It has not been shown that there is any combination or trust that controls the manufacture of coke in the United States. That industry is perhaps freer from centralized control than almost any other industry in the country. It has not been shown in this debate that the product of the Muscle Shoals project can be used, or, if it can be used, to what extent it can be used, by the farmers of the country without mixture with other products, and if it is to be mixed with other products, to what extent it is to be mixed, and what other products it should be mixed with. Consequently, there is no analysis of the situation dealt with by this bill which would enable any Senator to form an intelligent opinion as to what real effect upon the agriculture of the country the establishment of the Muscle Shoals plant at an unknown cost will have.

There are various other sources of supply of fertilizer. I am frank to say that I have only a rather confused and indefinite idea as to the proportion in which the various elements entering into the ordinary commercial fertilizer are used in the different sections of the country, in what combinations they are used, or what part ammonium sulphate, which will be produced by this plant, will play in affecting the market and the supply of those elements necessary to a restoration of the soil.

Furthermore, the statements in behalf of this bill are unsupported by any facts upon which we can determine how it will aid the military preparedness of the United States.

One of the elements that enter into the manufacture of powder is toluol. Are you going to manufacture toluol at this plant? I have not heard anybody say so; and if you are not going to manufacture toluol, how is the product of this plant to supply the Nation in time of need with high explosives for its heavy artillery? How is it going to be a means of preparedness?

My opinion is that this bill should be referred to a committee, and that the committee should be asked to report upon these essential and fundamental questions upon which there is no report and upon which there is no adequate information before the Senate.

Mr. President, I move that this bill be referred to the Committee on Military Affairs and that the committee be asked to report to the Senate the extent, if any, to which the products of the plant proposed to be established by the bill will enter into the manufacture of ammunition for use by the Government in its military operations.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. POINDEXTER. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCormick], which I transfer to the junior Senator from Nebraska [Mr. Norris] and will vote. I vote "nay."

Mr. POMERENE (when his name was called). I have temporarily a general pair with the senior Senator from Iowa [Mr. Cummins]. I do not know how he would vote on this subject, and therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. Lodge]. As I can not obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. Jones]. I do not know how he would vote on this proposition. Consequently I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WALSH of Montana (when his name was called). I am paired with the Senator from New Jersey [Mr. Frelinghuysen]. I transfer that pair to the Senator from Louisiana [Mr. Ransdell] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. Penrose] to the Senator from Missouri [Mr. Reed] and will vote. I vote "nay."

The roll call was concluded.

Mr. HARRISON. I desire to announce that the Senator from Delaware [Mr. Wolcott] has a general pair with the Senator from Indiana [Mr. Watson].

Mr. GLASS (after having voted in the negative). I have a general pair with the Senator from Illinois [Mr. Sherman]. I transfer that pair to the Senator from Arkansas [Mr. Kirby], and will let my vote stand.

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. Thomas]. Understanding that he would vote the same way that I shall vote upon this subject, I vote "yea."

Mr. KNOX. I have a general pair with the senior Senator from Oregon [Mr. Chamberlain]. I transfer that pair to the junior Senator from Iowa [Mr. Kenyon] and vote "yea."

Mr. TRAMMELL. I desire to announce the absence of my colleague [Mr. Fletcher] in attendance upon the business of the Committee on Commerce. He has a pair with the Senator from Delaware [Mr. Ball], who is also absent in attendance upon the business of that committee. If my colleague [Mr. Fletcher] were present, he would vote "nay."

Mr. SMITH of South Carolina (after having voted in the negative). I see that the Senator from South Dakota [Mr. Sterling], with whom I have a pair, has not voted; and, being unable to obtain a transfer, I shall have to withdraw my vote.

Mr. CURTIS. I have been requested to announce that the senior Senator from Washington [Mr. Jones] is absent on committee business.

The result was announced—yeas 26, nays 35, as follows:

YEAS—26.

Borah	Gore	McLean	Spencer
Calder	Hale	Moses	Sutherland
Colt	Kellogg	New	Wadsworth
Curtis	Keyes	Page	Warren
Dillingham	King	Phipps	Willis
Fernald	Knox	Poindexter	
France	McCumber	Smoot	

NAYS—35.

Ashurst	Harris	McNary	Smith, Md.
Beckham	Harrison	Myers	Stanley
Capper	Hefflin	Nugent	Townsend
Culberson	Henderson	Overman	Trammell
Dial	Johnson, Calif.	Pheasant	Underwood
Gay	Johnson, S. Dak.	Pittman	Walsh, Mass.
Gerry	Jones, N. Mex.	Robinson	Walsh, Mont.
Glass	La Follette	Sheppard	Williams
Gronna	McKellar	Simmons	

NOT VOTING—35.

Ball	Hitchcock	Newberry	Smith, Ariz.
Brandagee	Jones, Wash.	Norris	Smith, Ga.
Chamberlain	Kendrick	Owen	Smith, S. C.
Cummins	Kenyon	Penrose	Sterling
Edge	Kirby	Pomerene	Swanson
Elkins	Lenroot	Ransdell	Thomas
Fall	Lodge	Reed	Watson
Fletcher	McCormick	Sherman	Wolcott
Frelinghuysen	Nelson	Shields	

So Mr. POINDEXTER's motion was rejected.

Mr. TOWNSEND. Mr. President, I voted against the motion made by the Senator from Washington [Mr. Poindexter] because I believe that the proper committee to consider this proposition is the Agricultural Committee. I believe it has not considered the question suggested by the Senator from Washington,

and many other questions which should receive consideration. I in good faith believe that the Senate does not understand just exactly what it has done up to date; and, at the risk of being criticized, I am going to move that this bill be re-referred to the Committee on Agriculture and Forestry.

Mr. SMITH of South Carolina. Mr. President, a parliamentary inquiry. This motion has already been made while the bill was in Committee of the Whole, and has been voted down. Can the same proposition be made again?

The VICE PRESIDENT. The Chair is of the opinion that these motions may be made a reasonable length of time apart after the bill has been changed as this bill has been changed in the Senate.

Mr. SMITH of South Carolina. Therefore the ruling of the Chair is that this motion is in order?

The VICE PRESIDENT. The motion is in order, in the opinion of the Chair, a sufficient time having elapsed, since the former motion was made, and a number of changes having been made in the bill. The question is on the motion of the Senator from Michigan.

Mr. TOWNSEND. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). Repeating the previous announcement, I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote. I vote "nay."

Mr. HENDERSON (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "nay."

Mr. KNOX (when his name was called). Repeating the announcement I made on the last vote, I vote "yea."

Mr. McCUMBER (when his name was called). Making the same announcement that I did on the previous vote, I vote "yea."

Mr. POMERENE (when his name was called). When a similar motion was made several days ago, to refer the bill back to the Committee on Agriculture and Forestry, after a conference with the junior Senator from Iowa [Mr. KENYON] I felt free to vote, knowing that my vote would be the same as that of the senior Senator from Iowa [Mr. CUMMINS], with whom I have a pair. I therefore vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I am unable to get a transfer, and therefore I refrain from voting. If at liberty to vote, I would vote "nay."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. Being unable to get a transfer, I can not vote. If permitted to vote, I would vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Louisiana [Mr. RANDELL] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. TRAMMELL. I desire to repeat the announcement I made in regard to the absence of my colleague [Mr. FLETCHER] and to state that if present he would vote against the motion.

The result was announced—yeas 29, nays 35, as follows:

YEAS—29.

Borah	Hale	New	Sutherland
Calder	Kellogg	Page	Townsend
Colt	Keyes	Phipps	Wadsworth
Curtis	King	Poindexter	Warren
Dillingham	Knox	Pomerene	Willis
Fernald	McCumber	Smoot	
France	McLean	Spencer	
Gore	Moses	Sterling	

NAYS—35.

Ashurst	Harris	McNary	Smith, Md.
Beckham	Harrison	Myers	Smith, S. C.
Capper	Heflin	Nugent	Stanley
Culberson	Henderson	Overman	Trammell
Dial	Johnson, Calif.	Phelan	Underwood
Gay	Johnson, S. Dak.	Pittman	Walsh, Mass.
Gerry	Jones, N. Mex.	Robinson	Walsh, Mont.
Glass	La Follette	Sheppard	Williams
Gronna	McKellar	Simmons	

NOT VOTING—32.

Ball	Frelinghuysen	McCormick	Sherman
Brandegee	Hitchcock	Nelson	Shields
Chamberlain	Jones, Wash.	Newberry	Smith, Ariz.
Cummins	Kendrick	Norris	Smith, Ga.
Edge	Kenyon	Owen	Swanson
Elkins	Kirby	Penrose	Thomas
Fall	Lenroot	Ransdell	Watson
Fletcher	Lodge	Reed	Wolcott

So the Senate refused to recommit the bill.

The VICE PRESIDENT. The question now is, Shall the bill pass?

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. POINDEXTER. Mr. President, I understand that by the adoption of an amendment offered by the Senator from New York [Mr. WADSWORTH], some of the objections to which I called attention yesterday, arising out of section 124 of the national defense act, which is practically made a part of this bill by the terms of the bill, have been removed and in that respect the bill greatly improved, as I view it, limiting the extent to which Congress would have surrendered its powers of legislation to the executive department of the Government. As the bill was framed in the War Department there was no limit either as to the obligations which might be incurred by the Government or as to the number of plants which might be established, or as to the control by the President of the United States, who would have the power to designate this corporation as his agent, over any manufacturing industry a part of whose product entered into the composition of ammunition. That part of it, at least, has been improved by the amendment which was adopted.

Also another portion of section 124 of the national defense act has practically been eliminated by an amendment which was adopted upon the motion originally, I believe, of the Senator from North Dakota [Mr. GRONNA] prohibiting the exercise of the power of eminent domain in the compulsory taking of property, personal or real, for the purposes of this act.

But, Mr. President, there are other portions of section 124 of the national defense act which are not affected by any of the amendments which have been adopted, so far as I am informed, which are of importance, unless the Senate of the United States has come to the point, through long experience with executive extravagance in the conduct of the finances of the Government in the last three or four years, of perfect indifference as to such extravagance and has arrived at a point when it has lost its appreciation of the value of the money of the people in exercising its part of the function vested in Congress of making appropriations.

We are supposed to authorize the appropriation of a certain amount in this bill, and yet by a more or less concealed clause in the bill, which authorizes the President to continue the exercise of the powers which were vested in him for the purposes of the war ended two years ago, which powers by this bill would be projected into times of peace, sums vastly in excess of those directly appropriated in the bill are made available for expenditure under it. I do not think that the Senate intelligently would vote to vest these extraordinary powers permanently in the executive branch of the Government, or to authorize the expenditure for the purposes of this bill of sums which were appropriated under the great emergency of war in which the Nation at that time found itself.

I want to call attention again, Mr. President, to one paragraph in section 124 of the national defense act, which is found on page 57 of that act, at the top of the page, as follows:

The sum of \$20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

That act was passed June 3, 1916. After that a hundred million dollars in one appropriation was appropriated by Congress and given to the President to be used in his discretion as a war fund, and various other amounts at different times have been appropriated under the national defense act, since the passage of the original act, to enable the President to carry out its terms, of which considerable sums remain unexpended.

Near the top of the same page in the national defense act is this further paragraph, which is carried into effect by the bill which is now pending before the Senate:

In order to raise the money appropriated by this act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell, or use for such purpose or construction hereinabove authorized, any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed \$20,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix, instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years.

That is the concluding part of section 124 of the national defense act, which I have read verbatim from an official copy of the act.

On page 5 of the pending bill, among the powers of the corporation which is created by it, there is this provision:

By direction of the President, to act as his agent in carrying out and performing any or all of the duties imposed upon him by section 124 of the act of June 3, 1916, known as the national defense act, including, after its completion, the operation of the hydroelectric power plant

now being constructed at Muscle Shoals, and the use and sale of the hydroelectric power to be developed under authority of the act of June 3, 1916, aforesaid, and the President is authorized, in his discretion, to delegate to the corporation any and all powers and duties conferred or imposed upon him by said act which relate to the production, development, or manufacture of atmospheric nitrogen products, or which are incidental thereto, and to pay into the Treasury of said company any unexpended balance out of the appropriation made by section 124 of the act of June 3, 1916, such funds to be used by the corporation for the purpose of said act as amended by this act.

Now, I assert under that, among the powers vested in the President of the United States by section 124, being the power to request the Secretary of the Treasury to issue and sell Panama Canal bonds to the extent of \$20,000,000 for the purposes of section 124, that section being expressly and unequivocally reenacted by the paragraph in the pending bill to which I have just referred and which I have just read, that it would enable the President—and it makes no difference to me for the purposes of the bill whether it be the President who now is exercising the powers of the office or some one to succeed him, because the principle is the same in all cases and it has no personal or political significance, but involves one of the great fundamental principles of this Government, the division of powers between the legislative and executive departments—to take over from Congress the power to sell the bonds of the Government to the extent of \$20,000,000, in his discretion, to be expended upon the further construction of the plant which Maj. Wentz, who built the plant, testified, according to a statement made by the distinguished Senator from Ohio [Mr. POMERENE] on the floor of the Senate, could not be sold for anything at all. I doubt very much indeed whether Senators who have been supporting the measure intended to vest that power in the President or to invest that much money in a further effort to derive some benefit out of a plant which has already cost the incalculable sum of \$100,000,000 and yet which the gentleman who constructed it says could not be sold for anything.

So, Mr. President, I move as an amendment to subdivision (e) of section 2 of the bill a proviso—

Mr. ROBINSON. Mr. President, I make the point of order that amendments are not now in order.

The VICE PRESIDENT. The point of order is sustained.

Mr. POINDEXTER. A parliamentary inquiry. Has the bill been disposed of in Committee of the Whole?

The VICE PRESIDENT. It is on its final passage now. It has gone out of the Senate.

Mr. POINDEXTER. I was not aware of that. I wish, then, merely to call attention to the fact that the amendment which I propose ought to be made and has not been made, and that the bill as it now stands, although these circumstances were called to the attention of the Senate on yesterday, carries with it the extraordinary authority to which I have referred, and enables appropriations of public funds to be made by the President instead of by Congress.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Beckham	Gronna	McLean	Smith, Ga.
Borah	Hale	McNary	Smith, Md.
Calder	Harris	Moses	Smith, S. C.
Capper	Harrison	Myers	Smoot
Colt	Hedlin	New	Spencer
Culberson	Henderson	Nugent	Sutherland
Curtis	Johnson, Calif.	Overman	Swanson
Dial	Jones, N. Mex.	Page	Trammell
Dillingham	Kellogg	Phelan	Underwood
Fernald	Keyes	Phipps	Wadsworth
France	King	Poinexter	Walsh, Mass.
Gay	Knox	Pomerene	Walsh, Mont.
Gerry	La Follette	Robinson	Williams
Glass	McCumber	Sheppard	Willis
Gore	McKellar	Simmons	

Mr. TRAMMELL. I wish to announce the absence of my colleague [Mr. FLETCHER] on official business of the Senate.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The pending question, on which the yeas and nays have been requested, is, Shall the bill pass?

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. HENDERSON (when his name was called). Making the same announcement with reference to my pair and its transfer as on the previous vote, I vote "yea."

Mr. CURTIS (when the name of Mr. JONES of Washington was called). I was requested to announce the absence of the Senator from Washington [Mr. JONES] on official business of the Senate. If present, he would vote "nay." He is paired with the Senator from Virginia [Mr. SWANSON].

Mr. KNOX (when his name was called). Repeating the announcement made by me on the previous vote, I vote "nay."

Mr. CURTIS (when Mr. LENROOT's name was called). I was requested to announce the absence of the junior Senator from Wisconsin [Mr. LENROOT], and that he is paired with the Senator from Tennessee [Mr. SHIELDS]. If present, the junior Senator from Wisconsin would vote "nay."

Mr. CURTIS (when Mr. LODGE's name was called). I was requested to announce the absence of the Senator from Massachusetts [Mr. LODGE], and to state that he is paired with the Senator from Georgia [Mr. SMITH]. Were he present, the Senator from Massachusetts would vote "nay."

Mr. McCUMBER (when his name was called). Making the same announcement as upon the previous vote, I vote "nay."

Mr. POMERENE (when his name was called). As heretofore announced, I have a temporary pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote on this question, and therefore I withhold my vote.

Mr. SMITH of Georgia (when his name was called). On account of my pair with the senior Senator from Massachusetts [Mr. LODGE] I refrain from voting. If permitted to vote, I would vote "yea."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. I transfer that pair to the senior Senator from Louisiana [Mr. RANDELL] and vote "yea."

Mr. WALSH of Montana (when his name was called). As heretofore announced, I have a pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. Being unable to obtain a transfer of my pair, I withhold my vote.

Mr. NEW (when Mr. WATSON's name was called). I desire to announce the absence of my colleague [Mr. WATSON] on account of illness. If he were present, he would vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement with regard to my pair and its transfer which I made upon the previous vote, I vote "yea."

Mr. HARRISON (when Mr. WOLCOTT's name was called). I was requested to announce the necessary absence of the Senator from Delaware [Mr. WOLCOTT] and that he has a general pair with the Senator from Indiana [Mr. WATSON].

Mr. TRAMMELL. I wish to announce the absence of my colleague [Mr. FLETCHER] on official business and to state that he is paired with the Senator from Delaware [Mr. BALL]. If present, my colleague would vote "yea."

Mr. GORE. I desire to announce the absence of the senior Senator from Missouri [Mr. REED] on account of illness.

Mr. McNARY. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness. If present, he would vote "yea."

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Arizona [Mr. SMITH];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 34, nays 29, as follows:

YEAS—34.

Ashurst	Harris	Myers	Smith, S. C.
Beckham	Harrison	Nugent	Stanley
Capper	Hedlin	Overman	Swanson
Culberson	Henderson	Phelan	Trammell
Dial	Johnson, S. Dak.	Pittman	Underwood
Gay	Jones, N. Mex.	Robinson	Walsh, Mass.
Gerry	La Follette	Sheppard	Williams
Glass	McCumber	Simmons	
Gronna	McKellar	Smith, Md.	
	McNary		

NAYS—29.

Borah	Hale	Moses	Sutherland
Calder	Johnson, Calif.	New	Townsend
Colt	Kellogg	Page	Wadsworth
Curtis	Keyes	Phipps	Warren
Dillingham	King	Poinexter	Willis
Fernald	Knox	Smoot	
France	McCumber	Spencer	
Gore	McLean	Sutherland	

NOT VOTING—33.

Ball	Cummins	Fall	Hitchcock
Brandeggee	Edge	Fletcher	Jones, Wash.
Chamberlain	Elkins	Frelinghuysen	Kendrick

Kenyon	Newberry	Reed	Walsh, Mont.
Kirby	Norris	Sherman	Watson
Lenroot	Owen	Shields	Wolcott
Lodge	Penrose	Smith, Ariz.	
McCormick	Pomerene	Smith, Ga.	
Nelson	Ransdell	Thomas	

So the bill was passed.

REDUCTION OF THE ARMY.

Mr. NEW. Mr. President, I move that the Senate proceed to the consideration of the resolution (S. J. Res. 236) directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 175,000.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The VICE PRESIDENT. The pending question will be stated.

The ASSISTANT SECRETARY. The pending question is on the amendment offered by the Senator from Wisconsin [Mr. LENROOT] in the text of the joint resolution on page 2, lines 8 and 9, to strike out "175,000" and to insert "150,000."

Mr. MCKELLAR. Mr. President, my recollection is that the yeas and nays have already been ordered on the amendment.

The VICE PRESIDENT. The yeas and nays have been ordered. Is the Senate ready for the question?

Mr. MCKELLAR and others. Vote!

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CALDER (when his name was called). On this vote I am paired with the senior Senator from Washington [Mr. JONES]. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. GLASS (when his name was called). I transfer my general pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK]. I am not informed as to how he would vote on this matter, if present; and, being unable to secure a transfer of my pair, I withhold my vote.

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], who is absent. I am unable to secure a transfer of the pair, and therefore withhold my vote.

Mr. CURTIS (when Mr. LENROOT's name was called). I am requested to announce the absence of the Senator from Wisconsin [Mr. LENROOT]. He is paired with the Senator from Tennessee [Mr. SHIELDS]. Were the Senator from Wisconsin present, he would vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. Not knowing what his vote would be upon this question, if present, I withhold my vote.

Mr. BORAH (when the name of Mr. NORRIS was called). I desire to announce the absence of the Senator from Nebraska [Mr. NORRIS]. He is paired with the Senator from Florida [Mr. FLETCHER]. If present, the Senator from Nebraska would vote "yea" on this question.

Mr. POMERENE (when his name was called). Again announcing my general pair with the senior Senator from Iowa [Mr. CUMMINS], I have to say that I do not know how he would vote on this amendment, if present, and therefore I withhold my vote.

Mr. GORE (when Mr. REED's name was called). I again announce that the senior Senator from Missouri [Mr. REED] is absent on account of illness.

Mr. SMITH of Georgia (when his name was called). On account of my pair with the senior Senator from Massachusetts [Mr. LODGE] I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair, in his absence, with the senior Senator from Washington [Mr. JONES]. On this question, however, he and I are in accord. On this vote the Senator from Washington is paired with the junior Senator from New York [Mr. CALDER]. I vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Louisiana [Mr. RANDELL] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Missouri [Mr. REED] and vote "yea."

The roll call was concluded.

Mr. KNOX. I transfer my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Delaware [Mr. BALL] and vote "nay."

Mr. TRAMMELL. I desire to announce that my colleague, the senior Senator from Florida [Mr. FLETCHER], is absent on official business. On this amendment he is paired with the Senator from Nebraska [Mr. NORRIS]. If my colleague were present, he would vote "nay."

Mr. SMITH of Georgia. I am advised that the Senator from Massachusetts [Mr. LODGE], with whom I am paired, if present, would vote as I shall vote. Therefore I feel at liberty to vote. I vote "nay."

Mr. GERRY. I desire to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] is detained from the Chamber by illness.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Arizona [Mr. SMITH];

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 34, nays 28, as follows:

YEAS—34.

Borah	Gore	McNary	Stanley
Capper	Gronna	Nugent	Swanson
Coff	Harrison	Overman	Trammell
Culberson	Heflin	Page	Underwood
Curtis	Johnson, S. Dak.	Sheppard	Walsh, Mass.
Dial	Jones, N. Mex.	Simmons	Walsh, Mont.
France	King	Smith, Md.	Williams
Gerry	La Follette	Smith, S. C.	
Glass	McKellar	Smoot	

NAYS—28.

Ashurst	Johnson, Calif.	New	Spencer
Beckham	Kellogg	Phelan	Sterling
Billingham	Keyes	Phipps	Sutherland
Fernald	Knox	Pittman	Townsend
Gay	McLean	Poindexter	Wadsworth
Hale	Moses	Robinson	Warren
Harris	Myers	Smith, Ga.	Willis

NOT VOTING—34.

Ball	Frelinghuysen	McCormick	Reed
Brandegee	Henderson	McCumber	Sherman
Calder	Hitchcock	Nelson	Shields
Chamberlain	Jones, Wash.	Newberry	Smith, Ariz.
Cummins	Kendrick	Norris	Thomas
Edge	Kenyon	Owen	Watson
Elkins	Kirby	Penrose	Wolcott
Fall	Lenroot	Pomerene	
Fletcher	Lodge	Ransdell	

So Mr. LENROOT's amendment was agreed to.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. After line 11, on page 2, it is proposed to insert the following proviso:

Provided, however, That during the period in which the Army is being reduced to such enlisted strength sufficient enlistments may be made in any branch of the Army to bring such branch to not more than 53½ per cent of the number prescribed therefor in the act entitled "An act to amend an act entitled 'An act making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

Mr. BORAH. Mr. President, what is the effect of that amendment?

Mr. WADSWORTH. I described yesterday, I think, the situation which this amendment is meant to cover. Let me say that if this amendment does not carry—I say it very frankly—the wreck of the Army is about completed. It has to do with this situation:

Under the joint resolution as it was reported from the committee, and with the amendments which were suggested by the committee, and which were adopted, no men can be recruited in the Army until it has been reduced to a certain figure, now fixed at 150,000. It so happens that as men have been recruited in the service during the last 8 or 10 months they have expressed their preference as to which branch of the service they wanted to go in. The Government has accepted them, very properly, upon that basis, with the result that certain branches of the service are filled to authorized strength—indeed, one or two of them are slightly over the authorized strength—and with the further result that some other branches of the service are far below authorized strength, and, indeed, are still on a desperately skeletonized basis. The branches of the service which are upon a desperately skeletonized basis, or will be, especially so under the amendment just adopted, are the com-

bat branches, especially the Infantry, the Chemical Warfare Service, the Air Service, and the Field Artillery, all of them combat branches.

The amendment which I have offered will authorize the War Department to admit men in those branches up to the point at which they will approximate or equal, but not exceed, 53½ per cent of the total authorized strength. Fifty-three and a half per cent, if attained in each of the branches of the service, will make an Army of 150,000 men. If the amendment is not adopted, the War Department will not be able, under the language of the joint resolution, to maintain the different branches of the service balanced properly one with the other, and the conspicuous result will be that the branches upon which the country must depend most of all are the ones which will be skeletonized down to a very low figure.

The amendment which I offer will not raise the Army above 150,000 men, because 53½ per cent of 280,000, the maximum authorized strength, makes 150,000. I explained it in part yesterday. Had the Senate seen fit to retain the figure of 175,000, which I regret exceedingly it did not, I would have offered the amendment in the form of having the percentage 62½ per cent; but in view of the action of the Senate just taken I have changed the amendment so that it will read "53½ per cent." The thing is vital to the service.

Mr. BORAH. Mr. President, the only thing I desire to know concerning the matter has been stated by the Senator, as I understand, and that is that the amendment does not enable the Army to be raised above 150,000.

Mr. WADSWORTH. It does not; but it does permit the acceptance of some new enlistments in the undermanned branches while men are being discharged by reason of expiration of enlistments from the overmanned branches.

Mr. McKELLAR. In other words, as I understand, it equalizes the various branches of the service?

Mr. WADSWORTH. It will result finally in an equalization or balancing among the different branches; but I will say perfectly frankly that it will slightly retard the rate of reduction in the whole Army.

Mr. DIAL. Mr. President, I should like to ask whether this decrease will result in a decrease of all the officers in proportion?

Mr. WADSWORTH. It has nothing to do with the officers. The joint resolution does not affect the officers at all. It applies only to the enlisted men. Officers can be separated from the service only by court-martial, or resignation, or death.

Mr. NEW. Mr. President, if I may add one point to what the Senator from New York has just stated, it is true that you can not supply the deficiency in some of these special services by transfers from the other corps. For instance, there is required for the Air Service a type of man that is not to be obtained, for instance, from the Quartermaster Department, which already has an oversupply. They must be permitted to enlist men with a certain degree of education in mathematics, and all of that, which is required to make a man proficient in the Air Service. This amendment provides for that; and the fact that those services are now below the proportion to which they are entitled is due to the further fact that the War Department has prevented their taking enlistments in those particular corps as the matter of recruiting the Army has proceeded. Enlistments have been limited to certain branches of the Army; and, in so far as I am able to do so, I accept the amendment offered by the Senator from New York.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the amendments proposed by the committee.

The ASSISTANT SECRETARY. The committee proposes the following amendment:

On page 2, line 4, strike out the words "and instructed."

The amendment was agreed to.

The ASSISTANT SECRETARY. Also, after the words "Regular Army" at the end of line 4 it is proposed to insert the following words:

except reenlistments of men who at the time of the passage of this act have served more than one year in the Regular Army or the Army of the United States during the recent emergency.

The amendment was agreed to.

The ASSISTANT SECRETARY. On line 10, after the words "pay of," it is proposed to insert "more than 175,000."

Mr. WADSWORTH. Mr. President, in order to be consistent, that ought to be changed to "more than 150,000."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to amend the amendment by striking out "175,000" and inserting in lieu thereof "150,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The ASSISTANT SECRETARY. The committee proposes to add a new section to the joint resolution, to be known as section 2, and to read:

SEC. 2. That until the enlisted strength of the Army is reduced to 175,000 men the Secretary of War is authorized in his discretion to grant applications for discharge of enlisted men who have served one year or more with records satisfactory to their commanding officers without regard to the provisions of existing law respecting discharges.

Mr. McKELLAR. I move to strike out "175,000" and insert "150,000."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out "175,000," and in lieu thereof to insert "150,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. WADSWORTH. Mr. President, I have grave doubts as to whether it would be worth while, under these circumstances, to ask for the yeas and nays. I simply wish to have it noted in the Record that I am opposed to this very, very drastic reduction in the military force.

Mr. NEW. Mr. President, I desire to define my position as exactly that of the Senator from New York. I think we can go to the extent of 175,000. I do not believe it is expedient or safe to go to the point of 150,000. I agree absolutely with the position of the Senator from New York, and I wish to have it so understood, and to be so recorded.

Mr. HARRIS. Mr. President, I am in favor of reducing the Army even below 150,000; but, as stated by the chairman of the committee, the Senator from New York [Mr. WADSWORTH], it will require six months for the present force to be reduced to 175,000, and as Congress will be in session at that time we shall be better able to decide how much more to reduce it. There are certain reasons, satisfactory to myself, which make me vote to reduce it only to 175,000 at this time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. PHELAN. I ask for the yeas and nays.

The yeas and nays were not ordered.

The joint resolution was passed.

The preamble was amended by striking out "175,000" and inserting in lieu thereof "150,000," and as amended was agreed to.

The title was amended so as to read: "Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 150,000."

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. CURTIS. I move that the Senate proceed to the consideration of H. R. 15130, the District of Columbia appropriation bill.

Mr. POINDEXTER. Mr. President, I should like to take advantage of this opportunity to give notice, and particularly call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to the fact that in case the Senate takes up the District of Columbia appropriation bill, at the conclusion of the consideration of that bill, if I have an opportunity to do so, I shall move to proceed to the consideration of the so-called anti-strike bill, S. 4204, in regard to which there is a motion for reconsideration pending.

Mr. JOHNSON of California. Mr. President, I wish to give notice that at the conclusion of the consideration of the District bill I shall move to take up the minimum wage bill, which has been pending here for a long period of time.

The VICE PRESIDENT. The Chair wishes to serve notice that both bills can not be taken up at the same time.

Mr. JOHNSON of California. I shall be very glad to take them up together.

Mr. LA FOLLETTE. Mr. President, I should like to suggest that a motion to take up the anti-strike bill would hardly be in order until the motion to reconsider is disposed of.

The VICE PRESIDENT. We will dispose of that question when we reach it. The question is on the motion of the Senator from Kansas [Mr. CURTIS].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate took a recess until to-morrow, Saturday, January 15, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 14, 1921.

The House met at 12 o'clock noon.

Dr. James Shera Montgomery, pastor of Calvary Methodist Church, offered the following prayer:

Almighty God, Thou art our Father and we are Thy servants. Thou wilt surely hear us when we pray. Lift upon us all the light of Thy holy countenance, inspire us this day by Thy truth, direct us by Thy wisdom, regard our beloved country in Divine favor, and lead our citizens everywhere in the pathways of duty and righteousness. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION TO COMMITTEES.

Mr. MONDELL. Mr. Speaker, I present the following resolution and ask its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 644.

Resolved, That CLARENCE J. McLEOD, Member of Congress from Michigan, be, and is hereby, elected a member of the standing committees of the House as follows: Census, Industrial Arts and Expositions, and Insular Affairs, and

That CHARLES SWINDALL, Member of Congress from Oklahoma, be, and is hereby, elected a member of the Committee on the Public Lands.

The question was taken, and the resolution was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543, with Mr. Fess in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Montana: Surveyor general, \$3,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do this for the purpose of asking the gentleman from Wyoming a question. Does the gentleman hope to take up the apportionment bill this week or at what date?

Mr. MONDELL. Well, I had thought we might be able to reach it, but in view of the fact that it will take all day to-day to dispose of this bill, it occurred to me it would not be wise to take up the apportionment bill on Saturday. It will probably go over until Tuesday.

Mr. GARNER. Tuesday, that probably will be the date when it will be considered?

Mr. MONDELL. Yes.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I desire to ask the gentleman from Wyoming a question as to whether this great party now in power is going to permit the representation of Congress to be increased to 483 Members?

Mr. MONDELL. That will depend to some extent on whether or no the minority does its duty.

Mr. BLANTON. Good.

The Clerk read as follows:

For incidental and contingent expenses, clerk hire, not to exceed \$2,500; janitor service for the governor's office and the executive mansion, not to exceed \$1,200; traveling expenses of the governor while absent from the capital on official business; repair and preservation of executive mansion and furniture and for care of grounds; stationery, lights, water, and fuel; in all, \$7,500, to be expended under the direction of the governor.

Mr. GARD. Mr. Speaker, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. Is there any increase in the salary of judges and district attorneys in this Alaska appropriation?

Mr. WOOD of Indiana. There is not.

The Clerk read as follows:

Territory of Hawaii: Governor, \$7,000; secretary, \$4,000; chief justice, \$6,000; two associate justices, at \$5,500 each; in all, \$28,000.

Mr. GARD. Mr. Chairman, I move to strike out the last word. What is the reason for giving a larger appropriation for the judges in the Territory of Alaska, about \$2,000, more than the judges in the Territory of Hawaii?

Mr. WOOD of Indiana. Well, it is the statutory law. We created these salaries under statutory law, and we fixed it at this. This is another sample of the inconsistency, I take it, of salary fixing.

Mr. GARD. I note here that the chief justice of the Territory of Hawaii gets \$1,500 less than the judge in Alaska, and the associate judges get \$2,000 less. I do not know, unless there is some very great disparity in the court's business of Alaska and Hawaii, why this should be.

Mr. WOOD of Indiana. I do not know. There is some difference in the living expenses. The living expenses in Hawaii are not to be compared with those in Alaska, as I understand. That may have actuated Congress at the time these salaries were fixed. I do not know any other reason. I do not know about there being any disparity in their service.

Mr. GARD. In Hawaii one does not need to wear so much woolen clothing, and in Alaska one does not have to buy ice. That is about the only difference that I know.

Mr. WOOD of Indiana. They both live mostly on fish. I guess.

Mr. GARD. Those are the salaries that have been fixed by law?

Mr. WOOD of Indiana. Yes; for some time.

The Clerk read as follows:

In making readjustments hereunder, the salary of any clerk in any class may be fixed by the Postmaster General at \$100 below the salary fixed by law for such class and the unused portion of such salary shall be used to increase the salary of any clerk in any class entitled thereto by not less than \$100 above the salary fixed by law for such class. The Postmaster General shall assign to the several bureaus, offices, and divisions of the Post Office Department such number of the employees herein authorized as may be necessary to perform the work required therein; and he shall submit a statement showing such assignments and the number employed at the various salaries in the annual Book of Estimates following the estimates for salaries in the Post Office Department.

Mr. GARD. Mr. Chairman, I reserve the point of order on the paragraph, page 114, lines 1 to 13, for the purpose of asking if this was in the former bill, or is it absolutely a new legislative direction?

Mr. WOOD of Indiana. It was in the bill for four or five years in exactly the same language.

Mr. GARD. In the same language?

Mr. WOOD of Indiana. Yes.

The Clerk read as follows:

For purchase, exchange, hire, and maintenance of horses and horse-drawn and motor-driven passenger-carrying vehicles and repair of vehicles, including motor trucks and harness, \$3,100: *Provided*, That the Secretary of War shall transfer without payment therefor to the Postmaster General for use of the Post Office Department a 1-ton motor truck.

Mr. GARD. Mr. Chairman, I make the point of order against the proviso in lines 10, 11, and 12, page 119, providing for the transfer of trucks.

Mr. MOORE of Virginia. May I ask the gentleman why he makes the point of order? Does not the gentleman think it is desirable that unused vehicles in the hands of the War Department should be transferred to departments that need them?

Mr. GARD. I do; but I think they should be transferred after proper investigation by a proper committee. This seems to be a haphazard transfer.

Mr. MOORE of Virginia. May I say to my friend he recognizes there is no comprehensive investigation and there is not any promise of any?

Mr. GARD. There may be a proper legislative investigation. Mr. WOOD of Indiana. Will the gentleman yield for a moment?

Mr. GARD. Yes.

Mr. WOOD of Indiana. I wish to state what will be the result if this point of order is sustained. Of course, it is subject to a point of order. In this particular case we struck out \$900 for a new machine and made this transfer in order to save \$900 to the Treasury.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WOOD of Indiana. We are getting over to where we will consider the item in reference to the bonus. I want to state that the whole item is subject to a point of order. There are several paragraphs. I wish to ask at this time unanimous consent that when this item is considered that the whole section 6 may be considered together, and that a point of order be not made against a part of it, but, if a point of order is made, it be against the whole section.

Mr. GARD. With the understanding that no rights are forfeited.

Mr. WOOD of Indiana. I want to ask unanimous consent that when we come to it the whole section be considered together, for the reason that it would be unfair to raise a point of order against one portion and no point of order against another part of it, inasmuch as the whole thing is so interwoven that if any of it goes out it ought all to go out.

Mr. GARD. What is the page?

Mr. WOOD of Indiana. Page 155.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that section 6, page 155, shall be read as a whole and considered as a whole, instead of by paragraphs. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Appropriations made for the service of the Post Office Department in conformity with the act of July 2, 1836, shall not be expended for any of the purposes herein provided for on account of the Post Office Department in the District of Columbia.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling to the attention of the committee a matter that has been brought to my attention by the adjutant general of the State of Texas.

We have been carrying in these appropriation bills very large appropriations for additional clerical hire for the War Department, The Adjutant General's office particularly, for the purpose of getting out the service records of the men who served in the World War. I am in receipt of a letter this morning from the adjutant general of my State, which calls attention to the incompleteness of those records in a very marked and signal way. The incompleteness is so well pointed out in the letter that I will read it. It is not very long. It says:

STATE OF TEXAS,
ADJUTANT GENERAL'S DEPARTMENT,
Austin, January 10, 1921.

Hon. CLAY STONE BRIGGS,
Washington, D. C.

MY DEAR CONGRESSMAN: You will doubtless recall that in the annual appropriation for the fiscal year ending June 30, 1920, Congress set aside the sum of \$3,500,000 to be expended under the direction of The Adjutant General of the Army in preserving and caring for the selective records and for the purpose of furnishing to the adjutants general of the several States statements of service for all officers and men who served in the Army during the World War. The unexpended balance of this sum was reappropriated for the same purpose this year.

A considerable number of these record cards have already been received by this office, and information given out by The Adjutant General of the Army indicates that this work is being pushed to completion as rapidly as possible. It has been noted, however, that the records which are being furnished are incomplete in some very essential respects.

Especially noteworthy is the fact that records of the officers and men who were killed or died from wounds or other causes do not in any case show the place of death. Many of these records, moreover, fail to show the engagements in which the soldier fought, and in the case of men who were wounded in action only the date is given, the vitally interesting information as to the place and engagement in which wounded being omitted from the record.

You will readily see how important it is that the place of death or the place and engagement in which wounded be given if these records are to be of any great historical value, and since this information is undoubtedly available in most cases, it is not understood why these records should not be made complete in every respect.

As a constituent, and speaking in behalf of the historical associations of this State and the thousands of Texas mothers who are looking to this department for information regarding their sons who died overseas, I wish to strongly urge that this matter be investigated by a congressional committee with the view of ascertaining why these records are not being made complete, since a special appropriation has been made to cover the expense of furnishing complete records.

Assuring you that any action you may take to the end that The Adjutant General of the Army be required to furnish complete records of the men who served during the World War will be deeply appreciated by me personally and by those for whom I speak, I beg to subscribe myself with sentiments of high esteem.

Yours, truly,

W. D. COPE,
The Adjutant General.

It may be that in some cases the records in the possession of the War Department may be incomplete, but certainly wher-

ever that information is available it ought to be now compiled and furnished to the States and to the relatives of the men who served. I have had several instances called to my attention of discharges granted to boys who served on the other side, fought in important engagements there, but whose discharges showed no foreign service whatever. They simply show that they were members of certain companies, when discharged, with other personal data, but with no record of their service abroad or battles in which they fought. Discharges were returned to me in one or two cases by the mothers of boys who were wounded in France and who, after discharge, subsequently died, asking if the discharges could not be corrected in order to reflect the fact that the boys participated in engagements in the World War. Up to this time I have never been successful in accomplishing that, for one reason or another, chiefly because of the difficulty of the War Department, I think, in locating those records of service. Inasmuch as this Congress has provided and required that these records be preserved and that copies thereof be given to the various States of this Nation, so that the record of deathless glory of the boys who served in the World War may be available and known to all, I insist those records ought to be made complete, and everything that this Congress can do to accomplish that ought to be done without delay. If it is necessary for the Committee on Military Affairs or other committee to report additional legislation to insure the compilation of the records as Congress intended, then I hope it will do so, to the end that complete records can be transmitted to the various States and give them what they have a right to have—a true and authentic history of the heroic and unsurpassable service and valor of the boys from Texas and other States in the World War. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Office of the Attorney General: Attorney General, \$12,000; Solicitor General, \$10,000; assistant to the Attorney General, \$9,000; 6 Assistant Attorneys General, at \$7,500 each; Solicitor for the Department of the Interior, \$5,000; Solicitor for the Post Office Department, \$5,000; Solicitor of Internal Revenue, \$5,000; Solicitor for the Department of State, \$5,000; 4 attorneys at \$5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes: attorneys—1 \$4,500, 1 \$3,750, 4 at \$3,500 each, 1 \$3,250, 14 at \$3,000 each, 2 at \$2,500 each; assistant attorneys—1 \$3,500, 2 at \$3,000 each, 2 at \$2,750 each, 5 at \$2,500 each, 1 \$2,400, 2 at \$2,000 each; assistant examiner of titles, \$2,000; chief clerk and ex officio superintendent of buildings, \$3,500; superintendent of buildings, \$500; private secretary and assistant to the Attorney General, \$3,600; clerk to the Attorney General, \$1,800; stenographer to the Solicitor General, \$1,600; law clerks—3 at \$2,000 each, 2 at \$1,800 each; clerk in the office of Solicitor of Internal Revenue, \$1,800; attorney in charge of pardons, \$3,600; superintendent of prisons, \$4,000; disbursing clerk, \$2,750; appointment clerk, \$2,000; chief of division of investigation, \$4,000; librarian, \$1,800; clerks—8 of class 4, 12 of class 3, 12 of class 2, 27 of class 1, 16 at \$1,000 each, 15 at \$900 each; chief messenger, \$1,000; packer, \$900; messenger, \$960; 6 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, \$1,200; 2 assistant engineers, at \$900 each; 2 telephone switchboard operators; 4 firemen; 4 elevator conductors, at \$720 each; head charwoman, \$480; 24 charwomen. Division of Accounts: Chief, \$3,000; administrative accountant, \$3,000; chief bookkeeper and record clerk, \$2,200; examiners—2 at \$2,500 each, 4 at \$2,250 each, 2 at \$2,000 each, 3 at \$1,800 each; clerks—3 of class 4, 6 of class 3, 6 of class 2, 5 of class 1, 3 at \$900 each; in all, \$484,310.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I do this in connection with the matter I discussed a moment ago in order to ask the chairman of this committee if he had occasion to investigate the matter to which attention was called by the adjutant general of Texas?

Mr. WOOD of Indiana. I will state to the gentleman that the committee gave it very full investigation. We had similar letters to the one the gentleman read from the adjutant general of Texas from various States of the Union, and we called the matter to the attention of The Adjutant General. And if the gentleman will read the hearings, commencing on page 584, he will see his statement. If it was not so long, I would read it into the RECORD. But The Adjutant General states his excuses there.

Mr. BRIGGS. Will the gentleman state what those excuses are?

Mr. WOOD of Indiana. As I recall it, his contention is that it is not proper information to furnish the adjutants general of the States; that it is information peculiarly valuable to the families of the deceased, and that in order to get it they have to search the hospital records; that every time they receive a request from parents or relatives of the deceased soldier they make that search. I suggested to him that it occurred to me that one of the most valuable things in reference to this record was the place of a man's death and the engagements in which

he participated. If my memory serves me correctly, he said that there were tens of thousands of these cases where the War Department did not know in what place the boys were killed; that if you are to get this information, the places where the soldiers were killed or disabled, that information could be furnished by the hospital records, but it would cost \$1,000,000 in addition to what it has already cost.

Mr. BRIGGS. Does not the gentleman think that in order to be valuable and worth while it should be done as soon as possible?

Mr. WOOD of Indiana. I think there is no doubt about that. They are very incomplete now, and I do not think that as much care has been taken in the expenditure of this fund for the collection of the records as should have been taken. I may say that the form of the card now issued by the several adjutants general was gotten up as a result of a conference with the adjutants general of the several States of the Union, quite a number of them, and as a result of the criticisms made they finally formulated the card that was adopted; and I think, among other things, this particular item of information as to where the soldier fell was not added to the card by the adjutants general at the time the standard card was agreed to, because it was not suggested.

Mr. BRIGGS. Is it the purpose of The Adjutant General to get up such supplemental information and communicate it to the various States?

Mr. WOOD of Indiana. It is not.

Mr. BRIGGS. Is it not the gentleman's feeling that that ought to be done and that the Congress ought to indicate that it should be done?

Mr. WOOD of Indiana. I suggested to The Adjutant General, inasmuch as the service records of these boys are supposed to be complete, although they are not fully comprehensive, that they should be made complete. All the papers concerning these soldiers, you must understand, are in a jacket by themselves. The contents of these jackets are used by these clerks in making up these service records. I suggested to him that in many of them the very information which it is complained is not being furnished has not been included, and that information should be placed on the cards as far as possible. He said that would consume a great deal of time and that not to add it to all of them would cause more trouble than ever.

Mr. BRIGGS. It is my opinion that these records, in order to be of real value, ought to be complete in every case where it is possible to make them so.

Mr. WOOD of Indiana. I expect we were a little premature in making appropriations before they were ready to expend them properly and before these hospital records were completed. They will all be in the hands of The Adjutant General, and then we will be asked to make another appropriation of a million or more in order to complete this uncompleted work.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BRIGGS. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. BRIGGS. Because of the great interest in this question I call attention to part of the testimony in the hearings before the Appropriations Committee:

Gen. HARRIS. That is the only point that is at issue, and I would like to explain the way the matter was started and the development of it.

Before doing any work whatever I addressed a letter to the adjutant general of every State and inclosed a card showing just what I really thought we could furnish with the appropriation available, and I asked them to make suggestions. They made very few suggestions, and nearly all of the suggestions that were made were approved and were embodied in that card as we finally printed it and as we are now using it. The only item that has caused the adjutant general of Iowa so much concern, and through him the adjutants general of all the States, is that in connection with the place of death.

Our reports coming from France give the dates only. We get a cablegram giving the date of death. The place of death frequently is not shown on any of our records. A man would go to a hospital and the organization report would show that he left the front wounded for the hospital. An exhaustive search through all the hospital records will show that that man died at a particular hospital. The place of death is not on the individual record. If mothers write us, we must search the hospital records and try to give the places of death. But that involves a very extensive search in order to find the place of death, and the Secretary declined to give it on the statement of service cards because we thought it would cost fully a

million dollars to work out the places of death in the cases of all these men; that is, at this particular time.

Mr. WOOD. The records of your office with reference to any given soldier are not complete and they will not be complete unless you do have on them the place of death.

Gen. HARRIS. The place of death is there somewhere, but it is not in a vast number of cases on the service record or on the individual record. It is in the hospital records, and we have not the time and money now to dig out the place of death for these records.

Mr. WOOD. If this work is to be done over again for the purpose of completing these records, which was supposed to be the purpose of these appropriations, you will have to go over this again and it will require as much more money to do the uncompleted work as it has to do this partially finished work.

Gen. HARRIS. Not at all. We simply have to go to the hospital records to determine the place where a man died.

Mr. WOOD. You say it will take a million dollars to do it?

Gen. HARRIS. I think so.

Mr. WOOD. But if we have not the complete records of these soldiers we have at least wasted a million dollars in trying to do the work before The Adjutant General was prepared to do it.

Gen. HARRIS. The record is complete except as to one point, and that is the place of death.

Mr. WOOD. Do you not think that that is a very essential point?

Gen. HARRIS. I do not, not for the adjutants general of the States.

Mr. WOOD. Nearly every State after the Civil War got out a set of reports. The Indiana reports give all this data.

Gen. HARRIS. The information I am furnishing now is far more complete than any information of that sort which the adjutants general of the States ever had in the history of the United States.

Mr. WOOD. Possibly that is true, because you have had more money with which to do the work.

Gen. HARRIS. I am not so sure that I have had, because for prior wars it is spread over a long period of time.

Mr. WOOD. We have been appropriating it; I do not know what has been done with it.

What about this statement in which you say you are not going to say anything more about the discharges because of the fact that mistakes have been made and will continue to be made?

Gen. HARRIS. As I remember it, I told that adjutant general that that might be necessary. It has not become necessary. We are giving the dates of discharge as shown by the service records.

STATUS OF WORK.

Mr. WOOD. What percentage of these records have you gotten completed?

Gen. HARRIS. On October 31 we had completed 1,138,967 out of a total of 4,237,348.

Mr. WOOD. About one-third?

Gen. HARRIS. A little more than one-fourth. At the rate we are now turning them out we will complete all of this work, except the cases where there is some conflict of record that will require special search, within the appropriation now available and before the end of the fiscal year.

Mr. WOOD. You say you will complete the work within the appropriation?

Gen. HARRIS. Yes, sir. Our work so far has been in the preliminary stage, getting the things ready so we can turn them out.

Mr. WOOD. This letter from the adjutant general of Iowa is under date of November 16. He says only about 11 per cent of these records had been delivered to the States, and that you have not even furnished the records up to date of all the dead.

Gen. HARRIS. The difference between what he has received and what I give here are those in process of being mailed to them. We number them and keep statistics of those sent out. But the actual number that had been completed on October 31 was what I gave you a moment ago. We are turning them out at the rate of nearly 15,000 cards a day now.

INABILITY TO FURNISH PLACE OF DEATH.

Mr. WOOD. What have you to say with reference to the criticism that when these men have tried to get the information which your card does not furnish they have been advised to get it from the families of the deceased?

Gen. HARRIS. That is in regard to the place of death?

Mr. WOOD. They say they tried to get it from you, and they could not succeed in getting it from the War Department.

Gen. HARRIS. There will probably be thousands of cases where we will never know where the man died. We have had to presume from our records that men died of wounds received in action. They simply left the company wounded, and that is the last we know of them. We are hunting through the hospital records, and every day or two we are locating the place of death of another man. But that work will require an exhaustive and very long search. Eventually we will put it on the card of the individual, and then we can furnish it to the adjutants general of the States. I would like to repeat that we are furnishing more information of every kind than has ever been attempted in the history of the world.

Mr. WOOD. One reason for that is that after the Civil War this work was not attempted for 15 or 20 years.

Gen. HARRIS. The difference is in the way our records are kept. They are kept in such shape that we can furnish information more promptly. We are now where we were 30 years after the Civil War in so far as the information we furnish to the adjutants general of the States is concerned; that is, what we are now giving them was not available to the adjutants general of the States for 30 years after the Civil War. They had to go through the various rolls of organizations and we have eliminated that by our system of record keeping.

Mr. WOOD. The system of record keeping during the present war was supposed to be up to date as compared with what these people had before.

NUMBER KILLED IN WAR.

Mr. Sisson. In connection with the place of death of the soldiers, how many were killed or died in the war?

Gen. HARRIS. There were 107,412 deceased, and 189,655 wounded.

Mr. Sisson. What search do you make of the hospital records now in making this service card?

Gen. HARRIS. We do not search the hospital records. We found it was impossible, with the money available, to go through any records and get any information not actually in the jackets with the service records. In the jacket we have the enlistment record which, of course, is an accurate record; then we have the service record, which begins

at the time of enlistment and follows the man until he is discharged, when it comes to our office. They are kept in the company, and we have found a good many mistakes in them.

Gen. HARRIS. Our declining to put the place of death on the card does not indicate that we have let up a particle in our efforts to determine that and to furnish the information to the families. It simply means that we have not got the data in such shape that we can put it on the statements of service cards.

Mr. Sisson. You have above and beyond a mere sentimental value a real and almost tragic value sometimes to the family, which would be to have an absolute certainty of the death of the boy in the Army. I do not know that the place of death would amount to so much, but in order to ascertain that the man died it would be necessary that the records show the place of death. I have some cases of that kind, and I have to tell them—

Gen. HARRIS (interposing). We are doing everything that is humanly possible to determine that.

Mr. Wood. Do you not put on any of these cards the date and place of death?

Gen. HARRIS. We give the date of death, but not the place. Our cable reports contain the date of death.

Mr. Wood. Some of these jackets have the information with reference to the place of death of the soldier?

Gen. HARRIS. Some do and some do not.

Mr. Wood. Where do you have it and where it can be put on without any trouble, why do you not put it on so that you would save yourselves that much?

Gen. HARRIS. The point was not raised by any adjutant general until the cards had been typewritten; no one asked that that be put on there until the cards for deaths were all typewritten.

Mr. Wood. Are the cards all typewritten?

Gen. HARRIS. Yes, they are; and have been delivered to the States. The point came up after that phase of the work had been completed, and that is why it will cost that amount of money now to get that one item.

Mr. Wood. It did not occur to you in advance that there would be any question about that?

Gen. HARRIS. The adjutants general of the States had all the cards, and they did not bring it up at that time.

Mr. Wood. You say they had the form of the cards?

RECORDING ENGAGEMENTS IN ISSUE OF VICTORY MEDALS.

Gen. HARRIS. They had the form of the cards. We sent them the printed form and they practically approved it before we began to typewrite any of them.

One thing that the adjutant general of Iowa said was that in case of death our record did not show that any of them had been in engagements. In the issuing of the victory medals we are compelled to go through our records to determine what engagements a man participated in.

Mr. Wood. Why did you not put that on the cards?

Gen. HARRIS. On our card as originally prepared we had a place for the engagements, but we found it would be more economical to the Government to furnish the adjutants general of the States with copies of the cards we use in issuing the victory medals. Those copies show the engagements, and we will furnish them to the adjutants general of the States.

Mr. Wood. That will only show the engagements of those entitled to the victory medals?

Gen. HARRIS. Every man who served in the war is entitled to a victory medal, and those who participated in engagements are entitled to battle clasps, and we determine what clasps shall be put on the medal. We have to furnish the Quartermaster Corps with the list of engagements, so we are going to give the adjutants general copies of those cards which will furnish that information.

Mr. Wood. How much additional will that cost the Government?

Gen. HARRIS. Of course, that is costing a lot of money; I do not know just how much.

Mr. Wood. I mean how much additional will it cost the Government because of the information that you furnish to the adjutants general in regard to these engagements?

Gen. HARRIS. We are furnishing that information as an incident to the issuance of the victory medals. We simply make out two cards for each victory medal. We make a carbon copy of the application card which shows the engagements.

Mr. Wood. What is your estimate as to how much the work necessary in furnishing this information to the adjutants general will add to the cost of the victory medal?

Gen. HARRIS. I should say it is simply the making of a carbon copy; that is all.

Mr. Wood. What will it cost, from first to last, for furnishing this information, including clerk hire and everything else?

Gen. HARRIS. You mean the information furnished the adjutants general of the States?

Mr. Wood. Yes.

Gen. HARRIS. About 50 cents a card; about \$2,000,000 altogether. The difference between the \$2,000,000 and the \$3,500,000 appropriated is for the work connected with the selective service records.

Before we leave the statements of service cards, I have a few more words I should like to say on that subject.

To show the committee the nature and the extent of the information that we are actually furnishing the adjutants general of the States, I would like to read the headings of the cards on which we prepare these statements. I will take a card that we prepare in the case of a soldier who was killed in action. First, we give the soldier's surname, his Christian name, his Army serial number, and his race, whether white or colored. We then give his residence, street, and house number, town or city, county, and State; whether he entered the service through enlistment or induction; whether from the National Guard, Regular Army, or enlisted reserve corps; the date of his entry into the service, his place of birth; his age or date of birth; organization in which he served, with the dates of assignments and transfers, grades, and the dates of appointments and engagements. The engagements, as I explained, are furnished now on a separate card. Service overseas, giving the date of sailing from the United States, the arrival in France, and the return from France to the United States; killed in action on a date which is furnished; other wounds or injuries received in action; persons notified of death; name and degree of relationship, the number and street or rural route, city, town, or post office, State or county; and a place for remarks is also provided for on the card.

The other cards are substantially the same as that.

In connection with the place of death, when the cards were originally sent out to the State adjutants general for approval, one, or possibly two, of the adjutants general suggested that it would be advisable to show the place of separation from the service, which in the case of death, of course, would be the place of death. I wrote them explaining the difficulties in the way, due to the fact that the service records frequently would not give the place of separation from the service, and told them that I thought the expense involved in putting that data in was greater than would be justified, and that we are already furnishing as much information as I felt could be furnished with the appropriation. Our effort was to furnish the adjutants general of the States just as much information as we could with the money available, and that has been considered all through.

Mr. Wood. The trouble, General, is this, that you have not furnished the complete information, and it is not going to be satisfactory to anybody, and it never will be satisfactory until this complete information is furnished, and it occurred to me that it is going to result in our spending a whole lot of money that need not have been expended if we had made the thing complete as we went along.

Gen. HARRIS. It would have very materially delayed the preparation of these cards and very greatly increased the expense. It is not the typing of those cards with that information on it that is expensive; it is the searching the records for the information.

Mr. Wood. You stated, if I understood you correctly, that on that card you were furnishing the engagements, but you did not furnish it on that card.

Gen. HARRIS. We are going to furnish that on a separate card.

Mr. Wood. That is going to require some additional effort. It might have been furnished at the same time without that additional effort, might it not?

Gen. HARRIS. No. There are several things in connection with that. The first is that in order to get the engagements it is necessary to make a search of the organization records, and each case requires a special search of the records. The man himself, in making application, claims that he has served in certain engagements. We then take his claim and go through all of our organization records, as well as the hospital records, and determine whether or not the record substantiates his claim.

Mr. Wood. Do you take the man's claim as the basis of what action he was engaged in? Have you not a positive record of the units and different organizations and the engagements they were in? Is not that a part of the Army record, without regard to the man's claim?

Gen. HARRIS. Yes; except that the record is scattered in a number of different places, and we thought it would be better to ask the man to make his claim, as we could look up his record more readily. If the claim is that he served in a particular engagement in a particular organization on a given date, we will go to that particular organization and find out whether the record shows it. That is more economical than to have to go through all the records each time.

Mr. Wood. Suppose a man never made any claim about it. Then you would have no record of that man?

Gen. HARRIS. Well, for those that make no claim we will go through their records and determine it.

Mr. Wood. After a while they will be asking, as the soldiers of the Civil War are now asking, for their military and medical records. Some time or other you must have a complete record of this thing, must you not?

Gen. HARRIS. We are completing the records every day. It is a rather complete record. It is more than ever was attempted to be furnished at any time in our past history.

The place of death, of course, is one item that may be desirable, and after the other work is completed, if there is any money available, or even next year, if the clerks are available, I will be very glad to furnish it, but it is a mistake to say that it costs considerably more to do it as separate operations than to do it when you prepare the other card. The difference is simply in writing the man's name twice. In making the new card we have got to make a heading to show his name, which would not be necessary if we put it all on one card. We have to make a special search in every one of those cases, or the vast majority of them, because the service record in that respect is very deficient.

Mr. Wood. Is that all you have to say on the subject?

Gen. HARRIS. I might mention one particular case of a soldier to show some of the difficulties we had in France. I remember particularly the case of a soldier who was at a hospital. We have a record of his movements up to that time, but that was the last we heard from him except that he left the hospital. His family wrote about him. I wrote hundreds of letters, literally. His friends wrote about him. They said they knew this man could not have deserted. He never reached the organization after he left the hospital. We searched through the other hospital records to see if that man could have reached any of these different hospitals. We finally discovered from the records of one of the way stations there that this man passed through that station on a certain date. They did not show where he was going, simply that he passed through there. We also found from another record that there had been a railroad accident near this place, and that an unidentified American soldier was killed and his remains were buried. We finally put those two records together; sent to France and had the body disinterred, had a chart made of his teeth, measured the body to determine his height, and got such other personal description as could be made at that time. We then compared that description with his physical examination when he entered the service, and we have now reached the conclusion that this unidentified soldier who was killed in this railroad accident was the man who disappeared after leaving the hospital.

We have had hundreds of just such cases as that. We are furnishing the family with all the information available, and we will continue to do so. We follow every clue. We are writing to everybody that knows anything about it, and a little bit later we hope to have the information as to place of death where we can furnish it to the adjutants general of the States as a separate undertaking. We are furnishing the information immediately to the relatives, and we furnish the adjutants general with the names of the relatives, from whom they can get the information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Shipping service: For shipping commissioners in amounts not exceeding the following: Baltimore, \$2,000; Boston, \$3,000; New Bedford, \$1,200; New Orleans, \$2,500; Newport News, \$1,500; New York, \$5,000; Norfolk, \$1,800; Philadelphia, \$2,400; Bath, Me., \$1,000; Rockland, Me., \$1,200; Portland, Me., \$1,300; Charleston, S. C., \$1,200; Seattle, \$3,500; Providence, \$1,800; Galveston, \$1,800; San Francisco, \$4,000; in all, \$35,200.

Mr. DUPRÉ. Mr. Chairman, I desire to offer an amendment in line 21, page 130, to strike out the figures "\$70,000" and insert in lieu thereof the figures "\$83,200."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Amendment offered by Mr. DUPRÉ: Page 130, line 21, strike out the figures "\$70,000" and insert in lieu thereof the figures "\$83,200."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

Mr. DUPRÉ. The amendment is not subject to a point of order at all.

Mr. BLANTON. These are statutory positions, and the amount is fixed by law and controlled by law.

Mr. DUPRÉ. Not at all. The amount that can be allotted to this particular service is entirely in the hands of Congress. Whether this particular amount should be increased or not is a matter that I shall undertake to discuss later. But the particular amount that is to be disbursed is not fixed by any form of statute. It depends upon the particular view that the Congress may take of the service at any time.

The CHAIRMAN. The Chair thinks it does not require legislation to fix the total amount, and therefore the Chair overrules the point of order.

Mr. DUPRÉ. The amount asked by the Bureau of Navigation in the Department of Commerce for this particular item in its estimate was some \$92,000. The amount allowed by the committee is the amount that is carried in existing law. It is true that the last time this bill came before the Congress there was an increase in the amount allowed for clerk hire, but it has proven insufficient, and the object of my amendment is not to increase the pay of any existing employee or permit the promotion of any existing employee to another and higher grade, but simply to give 11 additional clerks to various shipping commissioners in different parts of the country.

On page 1225 of the hearings, the Commissioner of Navigation, Mr. Chamberlain, being on the stand, and his assistant, Mr. Tyrer, the latter gentleman stated:

Mr. TYRER. We are asking for one new clerk at Baltimore, two new clerks at New Orleans, four new clerks at New York, one new clerk at Savannah, two new clerks at Portland, one new clerk at Seattle.

That is, 11 new clerks are asked, and I have concluded that the minimum wage for which proper employees could be secured would be on a basis of \$1,200 per annum, and to take care of these 11 employees at \$1,200 per annum I have moved to increase the allowance from \$70,000 to \$83,200.

I do not know what the conditions are at New York, Seattle, Portland, and Baltimore, but I do know what the conditions are at New Orleans. My colleague and myself and the two Senators from Louisiana are constantly receiving protests from the shipping interests there, to the effect that the clerical force in the office of the shipping commissioner is absolutely insufficient to meet the needs of the port. When we have appealed for relief to the Department of Commerce we have been informed that the appropriation is not sufficient to grant additional clerks in New Orleans, and I assume the same conditions must apply in other places.

With a view to having proper service given to this important branch of our Government, I move to amend in the manner I indicated by the amendment which I have offered. I have a letter here from the president of the Steamship Association at New Orleans, S. T. De Milt, in which he says:

I am pleased to advise that as a result of your efforts one additional clerk was allocated to the office of United States Shipping Commissioner Smith E. Reynolds at New Orleans.

It is a fact, however, that this slight increase in the office force has not resulted in enabling the shipping commissioner to render full efficiency in handling this branch of the Bureau of Navigation at this port. The business of that branch continues to increase at a rapid rate, and Mr. Reynolds's annual report for the fiscal year ending June 30, 1920, shows an increase of 19,172 men shipped and discharged over the year which ended June 30, 1919. His force is handling business at the rate of approximately 100,000 men per year, as compared with 48,950 men during the year 1919.

You are, therefore, respectfully requested to make another effort during the present session of Congress to secure for the New Orleans branch of the Bureau of Navigation, under the jurisdiction of Commissioner Reynolds, at least four additional clerks.

I think the amendment ought to prevail, and I hope the gentleman from Indiana will view it in that light.

Mr. WOOD of Indiana. Mr. Chairman, the purpose of this amendment is to increase the salaries of these clerks.

Mr. DUPRÉ. I distinctly disclaimed any such intention. I said it was to add 11 new clerks.

Mr. WOOD of Indiana. The hearings disclose the fact that the commissioner having this work in charge asked this increase for the purpose of making some additions, and for the

purpose of increasing the average salaries of his clerical force from \$1,000 to \$1,250 per annum.

The committee recommended the same appropriation that is carried in the current law. We did not reduce it in the least. If we made any mistake we made it in not reducing the amount, because it is a fact that the shipping activity is not nearly what it was at the time we made the appropriation in this bill last year; so that there is absolutely no necessity for the increase of this appropriation unless it is for the increasing of the salaries of these clerks, as stated in the hearing. This is now denied by the gentleman from Louisiana [Mr. DUPRÉ], and I take it for granted that he knows what he is talking about; but the commissioner having the matter in charge stated that he wanted to increase these salaries.

Mr. DUPRÉ. But I called attention to the fact that he said he needed 11 new clerks to be distributed at these points, and my amendment would provide only sufficient money to allow these new clerks at the various offices. I do not ask to increase the salary of anyone in this branch of the service at all. I am trying to get efficient service, which can only be secured at New Orleans and other ports in the country by the allowance of a sufficient sum to provide for the employment of the necessary clerical force. The gentleman from Indiana ought not to state my object to be a different one, as I distinctly stated the object I had in mind in offering the amendment.

Mr. WOOD of Indiana. I accept the statement of the gentleman, but I contend that as they got along with this appropriation all right last year there will not be any greater necessity for it this year than there was then.

Mr. DUPRÉ. But they did not get along all right.

Mr. WOOD of Indiana. There is a constant effort to increase these bureaus. This one has been doing pretty well. The appropriation carried in this bill is \$70,000. In 1915 it was \$35,000. It has just been growing each year until they have exactly doubled the amount of this item.

Mr. DUPRÉ. The shipping business of the country has more than doubled.

Mr. WOOD of Indiana. It has not been anywhere near doubled, and the hearings showed that it is not what it was a year ago. If there is any need for these clerks now, there was an overwhelming necessity for them some time ago.

The CHAIRMAN. The question is on the amendment of the gentleman from Louisiana.

The question being taken, on a division (demanded by Mr. DUPRÉ) there were—ayes 22, noes 40.

Accordingly the amendment was rejected.

The Clerk read as follows:

Contingent expenses, Department of Commerce: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding \$2,500); stationery; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges; fuel, lighting, and heating; purchase and exchange of motor trucks and bicycles; maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle and of motor trucks and bicycles, to be used only for official purposes; freight and express charges; postage to foreign countries; telegraph and telephone service; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; repairs to building occupied by offices of the Secretary of Commerce; rental of water-cooling plant in Commerce Building, not to exceed \$1,400; first-aid outfits for use in the buildings occupied by employees of this department; storage of documents belonging to the Bureau of Lighthouses, not to exceed \$1,500; street car fares, not exceeding \$300; and all other miscellaneous items and necessary expenses not included in the foregoing, \$50,000, and in addition thereto sums amounting to \$50,750 shall be deducted from other appropriations made for the fiscal year 1922 and added to the appropriation "Contingent expenses, Department of Commerce," in order to facilitate the purchase through the central purchasing office as provided in the act of June 17, 1910 (Stats. L., vol. 36, p. 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made as follows: Bureau of Foreign and Domestic Commerce—promoting commerce \$4,500, promoting commerce (South and Central America) \$3,000, commercial attachés \$6,000, promoting commerce in the Far East \$4,000; general expenses, Lighthouse Service, \$8,500; contingent expenses, Steamboat-Inspection Service, \$7,500; contingent expenses, shipping service, \$500; instruments for measuring vessels, \$500; instruments for counting passengers, \$250; enforcement of wireless communication laws, \$1,000; Bureau of Standards—equipment \$1,000, general expenses \$1,000; general expenses, Coast and Geodetic Survey, \$4,500; miscellaneous expenses, Bureau of Fisheries, \$8,500; and the said total sum of \$100,750 shall be and constitute the appropriation for contingent expenses, Department of Commerce, to be expended through the central purchasing office (Division of Supplies), Department of Commerce, and shall also be available for objects and purposes of the several appropriations mentioned under the title "Contingent expenses, Department of Commerce," in this act.

Mr. BLANTON. I move to strike out the last word, for the purpose of getting information. I want to ask the chairman of the committee why it is necessary to allow this department \$2,500 for the purchase of newspapers, as shown on page 140.

Mr. WOOD of Indiana. It is not all for newspapers.

Mr. BLANTON. It says not exceeding \$2,500.

Mr. WOOD of Indiana. For law books, books of reference, periodicals, blank books, pamphlets, maps, and newspapers.

Mr. BLANTON. But they could spend this whole sum on any one of these items if they wanted to.

Mr. WOOD of Indiana. They submit an itemized account of the manner in which they expend it.

Mr. BLANTON. Why should we allow them anything for newspapers? Why should they not buy their own newspapers?

Mr. WOOD of Indiana. The Department of Commerce is a very important activity in the Government of the United States, and I take it that in order that they may be informed as to what is going on in the commercial world, they ought to be in touch with the commercial news. These are largely commercial papers. There are all sorts of commercial papers. Every State in the Union has some chamber of commerce which gets out a periodical. In the great commercial cities there are dailies devoted to matters of commerce, and I believe that the Department of Commerce, which is supposed to be the fountainhead of all our commercial relations, not only in this country but with foreign countries as well, ought to have some means of informing itself.

Mr. BLANTON. I take it that every citizen of the United States who has any enlightenment at all takes the newspapers of the country. There was a time when the farmers did not take them, because of the irregularity of mails, but now every morning the newspapers are delivered by the rural carriers to the homes of all the farmers. They read them, too. And they pay for them. Why should we pay for the newspapers for every one of these departments?

Mr. WOOD of Indiana. The commercial news received by this clearing house of the commerce of the world must be gathered not from the Washington Post or the Washington Star but from the commercial centers all over the country. Commerce is a very sensitive thing, and I expect that if the departments were derelict, if they did not keep themselves posted with reference to the activities of the commercial world generally, we would complain about it very much.

Mr. BLANTON. I notice that the committee has allowed this department, as it has done the others, practically everything on earth that one could think of or they could possibly wish, officially and personally. Therefore, I presume it is all right for the chairman to allow them newspapers. I withdraw the pro forma amendment.

The Clerk read as follows:

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the act creating the Department of Labor and to appoint commissioners of conciliation, for per diem in lieu of subsistence at not exceeding \$4, traveling expenses, and not to exceed \$12,000 for personal services in the District of Columbia, \$100,000.

Mr. WASON. Mr. Chairman, I notice on page 143, line 13, that the word "authority" is incorrectly spelled. I ask unanimous consent that the Clerk be authorized to spell the word correctly.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The Chair would call the attention of the gentleman from Indiana to the fact that on page 139, line 15, the word "industrial" is misspelled.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent that the spelling of that word be corrected.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. GARD. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the committee about what may be an inconsistency. I note on page 143, line 16, that provision is made for per diem in lieu of subsistence of not exceeding \$4, and on page 144, line 8, apparently the rate of subsistence is not exceeding \$8 per day.

Mr. WOOD of Indiana. Mr. Chairman, if the gentleman will note the punctuation, I think that will clarify the situation. On page 144 the provision for \$8 a day is the salary allowance, not the subsistence.

Mr. GARD. I thought it was the same thing on page 144 as on page 143—per diem in lieu of subsistence of special agents.

Mr. WOOD of Indiana. The gentleman will note that there is a semicolon after the word "transportation." The per diem is fixed by law.

Mr. GARD. Is there supposed to be a different condition between the necessary expenses for the commissioners of conciliation, who are to get \$4 per day, and the expenses of the special agents and employees, who get \$8 per day?

Mr. WOOD of Indiana. The \$8 per day is their pay. That is not for expenses at all. They are paid at the rate of not exceeding \$8 per day. The other item is for subsistence.

Mr. GARD. What is the gentleman's construction, anticipating a little bit, on page 144, line 5, where there is a provision for per diem in lieu of subsistence of special agents and employees and for their transportation? How much do they get per day in lieu of subsistence?

Mr. WOOD of Indiana. Four dollars. That is the amount fixed by law.

The Clerk read as follows:

For per diem in lieu of subsistence of special agents, and employees, and for their transportation; experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding \$8 per day; temporary statistical clerks, stenographers, and typewriters in the District of Columbia, to be selected from civil-service registers and to be paid at the rate of not exceeding \$100 per month, the same person to be employed for not more than six consecutive months, the total expenditure for such temporary clerical assistance in the District of Columbia not to exceed \$6,000; traveling expenses of officers and employees, purchase of reports and materials for reports and bulletins of the Bureau of Labor Statistics, \$69,000.

Mr. BLANTON. Mr. Chairman, I reserve the point of order against the paragraph for this reason: I called the attention of the chairman of the committee a few moments ago to the very question which was raised by the gentleman from Ohio [Mr. GARD] a moment ago with respect to this per diem in lieu of subsistence allowance on page 144, in this paragraph, of not exceeding \$8 a day. The chairman then stated that he thought that the punctuation would control it. In order that the matter may be absolutely clear, would the chairman object to an amendment designating that the per diem allowance shall not exceed \$4?

Mr. WOOD of Indiana. That is fixed by law. I suggest a better amendment, I think. After the semicolon, in line 6, insert the words "compensation of" immediately before the word "expert."

Mr. BLANTON. Why not fix it so that there can not be any doubt about our intention not to increase the per diem allowance in lieu of subsistence from \$4 to \$8 per day? The department, as the gentleman knows, has a habit of putting a different construction on language from that which Congress intended.

Mr. WOOD of Indiana. They could not put any different construction on this, because the per diem rate is fixed by law.

Mr. BLANTON. Then, as fixed by law—

For per diem in lieu of subsistence of special agents and employees, and for their transportation, not exceeding the amount fixed by law.

Mr. WOOD of Indiana. I have no objection to that.

Mr. BLANTON. The gentleman would agree to that amendment?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. Then, Mr. Chairman, I withdraw the reservation of the point of order and offer the amendment which I have suggested.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 144, line 6, after the word "transportation," insert the words "not exceeding the allowance now fixed by law."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARD. Mr. Chairman, as a substitute for that I offer to amend, after the word "subsistence," in line 5, page 144, by inserting the words "at not exceeding \$4."

Mr. WOOD of Indiana. I think that is better.

Mr. BLANTON. I accept the gentleman's substitute.

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. GARD: Line 5, page 144, after the word "subsistence," insert "at not exceeding \$4."

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Ohio.

The substitute was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended by the substitute.

The amendment as amended was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks and withdraw the pro forma amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

The Clerk read as follows:

District courts: Ninety-nine district judges, at \$7,500 each, \$742,500: *Provided*, That this appropriation shall be available for the salaries of all United States district judges lawfully entitled thereto for the fiscal year 1922.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I see there is an appropriation here for district judges. Are Federal attorneys paid a salary?

Mr. WOOD of Indiana. Yes.

Mr. HUDSPETH. What was the appropriation in here?

Mr. WOOD of Indiana. That is carried in the sundry civil act.

Mr. HUDSPETH. Mr. Chairman, I would like to ask the gentleman if he recalls whether or not they are paid the same salaries throughout the United States?

Mr. WOOD of Indiana. I understand their salaries differ.

Mr. HUDSPETH. In different districts.

Mr. BEE. In reply to the question of my colleague from Texas I would like to state that the salaries of United States attorneys differ in different places. The gentleman from Texas my colleague [Mr. GARNER] and myself prepared a bill, which I have introduced, to raise the salary of the district attorney at San Antonio, who now receives \$4,000, which bill is now before the Committee on the Judiciary.

Mr. HUDSPETH. If the gentleman will permit, he receives \$4,000 now.

Mr. BEE. Yes; but other district attorneys in different parts of the country receive more.

Mr. WOOD of Indiana. I think the highest salary paid—

Mr. HUDSPETH. I would like to ask whether or not a uniform salary is received in Texas by district attorneys?

Mr. BEE. I could not speak with knowledge, but I am inclined to think that it is uniform. I know the district attorney of San Antonio receives \$4,000 a year.

The Clerk read as follows:

National Park commissioners: For commissioners in the Crater Lake, Glacier, Mount Rainier, Yellowstone, Yosemite, and Sequoia and General Grant National Parks, at \$1,500 each, \$9,000. The provisions of section 21 of the legislative, executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the rights of said commissioners to receive the salaries provided herein.

Mr. GARD. Mr. Chairman, I reserve a point of order against the paragraph for the purpose of asking what is the meaning of lines 6, 7, 8, 9, and 10, page 150, where it says the provisions of this particular section 21 shall not be construed as impairing the rights of said commissioners to receive the salaries provided herein.

Mr. WOOD of Indiana. Well, that is for the purpose of receiving fees. The language of this paragraph is for the purpose of allowing these gentlemen to receive certain fees which I understand amount to but little.

Mr. GARD. This would permit them to receive both fees and salaries?

Mr. WOOD of Indiana. I understand they receive \$1,500 and then some fees, I forget what those fees amount to, but practically nothing, for some small service which is a matter of convenience. They are given certain semijudicial powers.

Mr. GARD. I am interested for the reason I think these national park commissioners ought to be paid by the National Government, and there should be no part of their revenue which should come from assessing those who tour these national parks to pay these commissioners.

Mr. WOOD of Indiana. There is not anything of that character, I understand. They have a certain semiofficial capacity, the right to do certain things for which they can charge certain fees. I do not know exactly what that is.

Mr. GARD. I was not familiar with the provisions of section 21 in the act and thought possibly the gentleman who is chairman of the subcommittee could tell me.

Mr. WOOD of Indiana. We did go into it, not this year but last year; but my memory is a little hazy in consequence, but the amount brought in by fees is very insignificant, and we felt that we should not interfere with that until it amounts to something. I could look the matter up and find out, but it would take a little time to do it.

Mr. GARD. Well, if the gentleman is satisfied the fees are not of any consequence and are not imposed on the tourists who go there—

Mr. WOOD of Indiana. There is no complaint.

Mr. MILLER. Will the gentleman permit me to ask him if this is the salary for all these commissioners, \$1,500 each?

Mr. WOOD of Indiana. Yes.

Mr. MILLER. Does the gentleman happen to know what the compensation of the superintendents is?

Mr. WOOD of Indiana. The salary? That is carried in the sundry civil act. I do not happen to know what it is, but it varies in different parks.

Mr. MILLER. I am aware it is in that bill.

Mr. GARD. Just a moment, in the same connection. Is this supposed to cover fees that our commissioners may charge to the men establishing concessions in the parks?

Mr. WOOD of Indiana. They have absolutely nothing to do with these concessions. It is pay for acting in a semijudicial way. It is not for anything connected with concessions. All that jurisdiction is under the Department of the Interior and is directly under the supervision of the superintendent of the national park.

Mr. GARD. My observation is sometimes these establishments of concessions lead to results which, I am afraid, are not contemplated by this legislative body. I think they tend to establish a monopoly sometimes for the financial benefit of persons.

Mr. WOOD of Indiana. We have never had any complaint in reference to fees collected by these commissioners in that direction.

Mr. MANN of Illinois. They are court officers?

Mr. WOOD of Indiana. They are just simply court officers.

Mr. MANN of Illinois. And they enforce the criminal statutes?

Mr. WOOD of Indiana. It is very essential that they have them, too. What little infractions they have in these parks are tried before the commissioner. He is a sort of a justice of the peace. If it was not for them, they would not have enough to do.

The CHAIRMAN. The Clerk will read.

Mr. SMITH of Idaho. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question about the last paragraph. What is the difference between a national park commissioner and superintendent of parks?

Mr. WOOD of Indiana. Well, the one is a judicial officer, as has just been stated, and the other is an administrative officer. The superintendent is a man who has charge of the administration of the park.

Mr. SMITH of Idaho. And so in each national park there is a United States commissioner?

Mr. MANN of Illinois. He is a United States commissioner.

Mr. SMITH of Idaho. The commissioner has nothing to do with the administrative part of the park at all?

Mr. WOOD of Indiana. No.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Court of Claims: Chief justice, \$8,000; 4 judges, at \$7,500 each; chief clerk, \$3,500; assistant clerk, \$2,500; bailiff, \$1,500; clerks—2 at \$1,600 each (one of whom shall be a stenographer), 1 \$1,400, 2 at \$1,200 each; 4 stenographers, at \$1,200 each; chief messenger, \$1,000; 2 assistant messengers; 3 firemen; 3 watchmen; elevator conductor, \$720; 2 laborers; 2 charwomen; in all, \$66,580.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

This particular paragraph relates to the Court of Claims, but I desire to discuss for just a moment the provisions of section 6, which is to follow, and in which the committee has seen fit to provide another bonus of \$240 each for over 140,000 Government employees during the next fiscal year, which involves about \$40,000,000. If the committee had seen fit to treat all of the Government employees alike in this respect, without discrimination, their action probably would be less inexcusable. I give notice that when section 6 is read that I shall make a point of order against it and have it stricken out of the bill in an effort to save this \$40,000,000. Take, for instance, the policemen of this District and the firemen of this District—

Mr. WOOD of Indiana. They are not included in this bill.

Mr. BLANTON. They are not included in this bill, and that is one of the very reasons why I am objecting to it. We have taken the strike privilege away from the firemen in the District of Columbia, and we have taken it away from the policemen, and after we have prevented them from belonging to strike organizations I am not a Member of Congress who will stand here on the floor and take advantage of them. During a night like last night, with snow and sleet and rain and cold, with freezing weather, and a wet, cold day like to-day, you find the policemen and the traffic cops on their beats bravely attending to their duties, suffering hardships, if you please, almost every moment of the time that they are on duty, and daily risking their lives in our defense and the defense of our property. We find the firemen almost every day taking chances with respect to their lives, and it has not been more than a couple of weeks since several of them risked their lives in saving the lives of others in this District, and they did it bravely and successfully. Yet after we rob them of their strike privilege we take advantage of them in this bill by discriminating against them. And I am not going to be a Member of Congress that will permit it in silence.

Now, this bonus matter was a war question. It arose during the exigencies of the war by reason of war hardships and the high price of all commodities. But I want to say now that we are getting back to normal times, and I think the time has

come when we ought to quit paying a war bonus to civilian employees when you deny it not only to the police and firemen but also to our brave soldiers of the country, who saved this Government and Republic from the encroachment of the Hun. Therefore, in view of the discrimination that has been shown in this bill against the deserving firemen and deserving policemen of this District, than whom there are no more deserving employees of the Government, when that section is read I intend to make a point of order against it and force it out of the bill.

The CHAIRMAN. The Clerk will read.

Mr. MANN of Illinois. Mr. Chairman, just a word on that subject. Of course, it is out of order, but the discussion has been started. It may be that there is some argument in favor of paying the bonus to the policemen and firemen of the District of Columbia, but here is the situation:

The employees provided for in the bill have not had their salaries or pay increased in recent years, except through the bonus. The policemen and firemen of the District of Columbia have had their salaries readjusted and largely increased since the beginning of the war. They are not on the same footing at all with the other employees of the Government. When we passed the bills increasing the pay of the policemen and the firemen, in some cases the pay was increased from \$700 to \$800 to \$1,500 or \$1,600 a year. That is a considerable increase. Now, to say that unless we pay the bonus to them in addition to the increase of pay which they have already received we will not pay a bonus to those who had no increase in pay at all seems to me very unfair.

Mr. SNYDER. Will the gentleman yield for a suggestion?

Mr. MANN of Illinois. I will.

Mr. SNYDER. The gentleman will recall that when that bill was on the floor a year ago and the raises to the firemen and policemen were made it was distinctly understood that they were not to carry the bonus, but were in lieu of all bonus for the future.

Mr. MANN of Illinois. Why, of course, that was the distinct understanding, but distinct understandings never amount to anything unless they are written into statute law, as I have discovered, and then they do not amount to much.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. NOLAN. Mr. Chairman, inasmuch as notice has been served on the House that a point of order will be made on the bonus section, I think there ought to be called to the attention of the House the fact that the navy yard and the arsenal employees are discriminated against in the section put into this bill by the subcommittee having the legislative, executive, and judicial bill in charge. The gentleman from Wisconsin [Mr. FREAR] recently wrote to the Secretary of the Navy to find out what sort of an understanding was reached in reference to the last readjustment of the pay of the navy-yard employees, and under date of January 12 the Secretary of the Navy wrote to Mr. FREAR as follows:

NAVY DEPARTMENT,
Washington, January 12, 1921.

MY DEAR MR. FREAR: I have your letter of January 11 in regard to the allowance of the \$240 per annum bonus to employees of the Naval Establishment.

Prior to the increase authorized by the department, effective September 16, 1920, the rate of pay for representative trades was \$6.40 per diem, or \$0.80 per hour. Under the 5 per cent increase allowed under the above-mentioned readjustment, which was in addition to the allowance of the congressional bonus of \$240 per annum, the basic rate of pay for representative trades was \$6.72 per diem, or \$0.84 per hour, which, plus the above-mentioned bonus of \$0.76 plus per diem, or \$0.091 plus per hour, equals \$0.931 per hour, this being the official rate determined and approved by me as a proper and just rate at this time.

The law under which the employees receive the bonus distinctly states that we must count this bonus as a part of the regular wage in making any revisions of wages. As this bonus is not paid from Navy Department funds, our wage scale, as issued, shows an apparently lower rate than \$0.931 per hour, but this does not alter the fact that \$0.931 is the rate which the board considered the representative trades were entitled to.

Should Congress fail to continue the bonus, the result will be an automatic decrease in the amount received by the men below the sum which I have already approved as being just and proper.

It is quite true that the reduction in the number of working hours per week from 48 to 44 will result in the loss of a half day's pay per week to employees. The action of the department with respect to reducing the working hours was taken at the earnest solicitation of organized labor as a step toward the betterment of working conditions.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

Hon. JAMES A. FREAR, M. C.,
House of Representatives, Washington, D. C.

Mr. COOPER. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KNUTSON. Mr. Chairman, I move that the gentleman be given an additional five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SISSON. Mr. Chairman, this is all out of order.

Mr. NOLAN. I appreciate that fact, but—

Mr. SISSON. When we reach the item in the bill the gentleman will have opportunity.

Mr. NOLAN. I will state to the gentleman from Mississippi that notice has already been served on the House by the gentleman from Texas [Mr. BLANTON] that when we reach that point he will make a point of order against the entire bonus section.

Mr. SISSON. I do not see why we should now continue a useless discussion if the gentleman from Texas is going to make a point of order. I will make a point of order against further discussion of the matter until we reach it.

Mr. BLANTON. I propose to make the point of order, Mr. Chairman.

Mr. SISSON. I hope that the gentleman from California will wait until we reach the item in the regular order.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. I yield.

Mr. COOPER. I would like to ask the gentleman from California if he can tell the committee, if this bonus is taken away from the navy-yard employees, how their wages will compare with the wages of machinists in private industry?

Mr. NOLAN. They will be about 76 cents a day less.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. MANN of Illinois. If the bonus is taken away from the navy-yard employees in the various navy yards, will not the Secretary of the Navy, under the law, increase the pay to be paid out of the appropriation for the Navy, instead of now paying a large share of their wages out of the Treasury and not charging it to the Navy at all?

Mr. NOLAN. I do not think he will.

Mr. MANN of Illinois. The law requires him to do it.

Mr. NOLAN. It does not require him to do it. It says "he shall from time to time adjust their wages." Now, if the Secretary of the Navy does not convene the wage board, such as was convened in September, between now and the 1st of July, these men will suffer a reduction of 76 cents per day.

Mr. MANN of Illinois. If we do not make the appropriation they will not get any, but the Secretary of the Navy will convene the wage board.

Mr. NOLAN. A new Secretary of the Navy comes in on March 4 and a new Secretary of War, and between then and the 30th day of June is a very short time. These men are fearful that the question of their wages will not receive the attention that it should receive and which they are entitled to. Now, what is the difference as to what fund pays the wage? It is simply taking it out of one pocket and putting it in another.

Mr. MANN of Illinois. There is quite a difference, in this sense: It is not now charged to the naval expenses at all. It ought to be.

Mr. NOLAN. Exactly. But why not let this continue another year if we are going to continue the bonus, and let the Secretaries fix the navy yard basic pay and the arsenal basic pay?

Mr. MANN of Illinois. It should be fixed now. Twenty per cent of it now comes from the civil side and the rest from the appropriations for the Army and Navy.

Mr. NOLAN. We are not making a saving. I look at it from the point of view as to how it will affect the morale of the men. If we take this from them or serve notice on them to that effect, it is bound to affect them. The legislative subcommittee, in view of the fact that we are going to have a change of administration, should allow this thing to be continued until next year.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. MADDEN. Of course, this will not go into effect before the 1st of July and the Navy board could adjust it so that it will take effect after the 1st of July, and in the meantime they will be getting the bonus.

Mr. NOLAN. It took them nearly a year to get the adjustment that took place last September, to bring the wages of the mechanics in the navy yards up to the standard of wages received by those outside doing the same class of work. If that is to be their experience between the 4th of March and the 30th of June, these men will necessarily suffer a reduction.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. SNELL. The men who will have their wages decreased 76 cents a day are high-priced mechanics, are they not?

Mr. NOLAN. They are skilled mechanics.

Mr. SNELL. They are reasonably highly paid, are they not?

Mr. NOLAN. They are supposed to get the same wages as those paid in similar industries outside.

Mr. SNELL. Will their pay be decreased more than that of other men outside, even if we decrease 76 cents a day?

Mr. NOLAN. In the same trades outside there has been no reduction in the private establishments of the country. Naturally these men will always receive a high rate of pay. They are highly skilled mechanics.

Mr. SNELL. Those men in private employment have been reduced throughout the country, have they not, as well as men engaged in other trades?

Mr. NOLAN. No; I do not think there has been any reduction in the pay of men of that class.

Mr. WOOD of Indiana. These salaries or wages of men employed in navy yards and arsenals are fixed on a basis of eight hours' work per day for those who work for the Government, and they get the same pay for eight hours' work as men on the outside get for nine hours.

Mr. NOLAN. No. Eight hours a day has been the standard, except in the great steel mills. Elsewhere the 8-hour day has been established. I do not think that any progressive industry in the country will ever attempt to go back either to the 9-hour day or to the 10-hour day.

The CHAIRMAN. The time of the gentleman from California has again expired. The Clerk will read.

The Clerk read as follows:

All purchases of typewriting machines during the fiscal year 1922 by the various branches of the Government of the United States for use in the District of Columbia or in the field, except as hereinafter provided, shall be made from the surplus machines in the stock of the General Supply Committee. The War Department shall furnish the General Supply Committee, immediately upon the approval of this act, a complete inventory of the various makes, models, and classes of typewriters in its possession, the condition of such machines, and the point of storage, and shall turn over to the General Supply Committee such typewriting machines in such quantities as the Secretary of the Treasury from time to time may call for by specific requisition for sale to the various services of the Government. If the General Supply Committee is unable to furnish serviceable machines to any branch of the Government, it shall furnish unserviceable machines at current exchange prices, and such machines shall then be applied by the branch of the Government receiving them as part payment for new machines from commercial sources in accordance with the prices fixed in the preceding paragraph. And in selling typewriting machines to the various branches of the Government service the General Supply Committee may accept an equal number of unserviceable machines as part payment thereon at the exchange prices quoted in the current general schedule of supplies. Until June 30, 1922, the War Department shall not dispose of any typewriting machines except to the General Supply Committee as authorized herein.

Mr. SNYDER. Mr. Chairman, I make a point of order on the section. It is not authorized by law.

The CHAIRMAN. The gentleman from New York makes a point of order on the paragraph. The Chair sustains the point of order. The Clerk will read.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. When the point of order was made by the gentleman from New York [Mr. SNYDER], was it against the first paragraph or the second?

Mr. SNYDER. Beginning on line 18, on page 153.

The CHAIRMAN. On line 18. The Clerk will read.

The Clerk read as follows:

SEC. 5. That in expending appropriations made in this act persons in the classified service in the District of Columbia shall not be detailed for service outside of the District of Columbia except for or in connection with work pertaining directly to the service at the seat of government of the department or other Government establishment from which the detail is made: *Provided*, That nothing in this section shall be deemed to apply to the investigation of any matter or the preparation, prosecution, or defense of any suit by the Department of Justice.

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent to proceed out of order, and I assure the House I shall not repeat what was said by the gentleman from California [Mr. NOLAN].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. WOOD of Indiana. Mr. Chairman, I object, until we get to that point.

Mr. DALLINGER. I will not get an opportunity then. I trust the gentleman will not object. I want only five minutes.

Mr. SISSON. Mr. Chairman, I did not have the gentleman from Massachusetts in mind particularly, but I stated when the gentleman from California [Mr. NOLAN] had the floor that I would make a point of order against further discussion on this matter until we got to it. I have no doubt that the point of order on the paragraph can be reserved, and that it can be dis-

cussed at reasonable length; but we ought to proceed in an orderly way.

Mr. KING. The gentleman from Texas [Mr. BLANTON] was permitted to discuss the matter out of order and no objection was made.

Mr. SISSON. And no objection was made to the discussion by the gentleman from California [Mr. NOLAN]. But the fact that we have had two speeches out of order is no reason why we should have three or four, because if that should be the rule, then every one of the 435 Members of the House ought to be permitted to speak out of order.

The Clerk read as follows:

SEC. 6. That all civilian employees of the Government of the United States and the District of Columbia who receive a total of compensation at the rate of \$2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1922, additional compensation at the rate of \$240 per annum; *Provided*, That such employees as receive a total of annual compensation at a rate more than \$2,500 and less than \$2,740 shall receive additional compensation at such rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of \$2,740 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 60 per cent of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rate of \$240 per annum for the fiscal year ending June 30, 1921, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1920, has received during the fiscal year 1921, or shall receive during the fiscal year 1922, an increase of salary at a rate in excess of \$200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1920, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the secretary of the Civil Service Commission shall be deemed an employee for the purposes of this section.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees whose pay is adjustable from time to time through wage boards or similar authority to accord with the commercial rates paid locally for the same class of service; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; officers and members of the Metropolitan police of the District of Columbia and the United States Park police who receive the compensation fixed by the act approved December 5, 1919; officers and members of the fire department of the District of Columbia who receive the compensation fixed by the act approved January 24, 1920; employees paid from lump-sum appropriations in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916, except employees of the United States Tariff Commission, the Bureau of War Risk Insurance, and the Women's Bureau, who shall be included. The provisions of this section shall not apply to employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; persons employed by or through corporations, firms, or individuals acting for or on behalf of or as agents of the United States or any department or independent establishment of the Government of the United States in connection with construction work or the operation of plants; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Government of the United States or the District of Columbia; employees who serve voluntarily or receive only a nominal compensation, and employees who may be provided with special allowances because of their service in foreign countries. The provisions of this section shall not apply to employees of the railroads, express companies, telegraph, telephone, marine cable, or radio system or systems taken over by the United States, and nothing contained herein shall be deemed a recognition of the employees of such railroads, express companies, telegraph, telephone, marine cable, or radio system or systems as employees of the United States.

Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended by the naval appropriation act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this section who otherwise is entitled to receive the same.

Such employees as are engaged on piecework, by the hour, or at per diem rates, if otherwise entitled to receive the additional compensation, shall receive the same at the rate to which they are entitled in this section when their fixed rate of pay for the regular working hours and on the basis of 313 days in the said fiscal year would amount to \$2,500 or less: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year.

So much as may be necessary to pay the additional compensation provided in this section to employees of the Government of the United States is appropriated out of any money in the Treasury not otherwise appropriated.

So much as may be necessary to pay the increased compensation provided in this section to employees of the government of the District of Columbia is appropriated, 40 per cent out of any money in the Treasury not otherwise appropriated and 60 per cent out of the revenues of the District of Columbia, except to employees of the Washington Aqueduct and the water department, which shall be paid entirely from the revenues of the water department, and to employees of the Minimum Wage Board and the playgrounds department, which shall be paid wholly out of the revenue of the District of Columbia.

So much as may be necessary to pay the increased compensation provided in this section to persons employed under trust funds who may be construed to be employees of the Government of the United States or of the District of Columbia is authorized to be paid, respectively, from such trust funds.

Reports shall be submitted to Congress on the first day of the next regular session showing for the first four months of the fiscal year the average number of employees in each department, bureau, office, or

establishment receiving the increased compensation at the rate of \$240 per annum and the average number by grades receiving the same at each other rate.

Mr. BLANTON. Mr. Chairman, I make a point of order against all of section 6, and against each paragraph separately thereof, as being legislation on an appropriation bill and unauthorized by law.

Mr. DALLINGER. Will the gentleman reserve the point of order?

Mr. BLANTON. For the benefit of the gentleman I reserve the point of order.

Mr. DALLINGER. Mr. Chairman, not knowing that a point of order was going to be made against this whole section, I had prepared two amendments, striking out the exceptions at the bottom of page 156 and at the top of page 157, which were inserted by the Committee on Appropriations with the deliberate purpose of taking away the \$240 bonus from the civilian employees of the arsenals and navy yards of the country, and also from the policemen and firemen of the District of Columbia—the only civilian employees of our Government who perform strenuous physical work, and in the case of the policemen and firemen, who frequently risk their lives—while the great army of clerks, who are supposed to work with their heads, but so often do not, are granted the bonus as usual.

Mr. Chairman, I do not know the reason which actuated the Committee on Appropriations in making this unjust discrimination. I am absolutely convinced that the alleged facts on which the members of the committee say that they relied are erroneous. The gentleman from California [Mr. NOLAN] has already introduced into the Record a letter from the Secretary of the Navy in which that official expressly says that the wage boards in determining the average wage in establishments in the vicinity for the purpose of determining the wage in any particular navy yard under existing law took into account the bonus and subtracted it from the average wage so ascertained, and that this unfair discrimination in the bill would actually result in a reduction of the wages of the men who work in the navy yards.

In the case of the arsenals the civilian employees were deprived of the \$240 bonus by an indirect method. In order to deprive the employees of the arsenals of the benefit of this bonus passed by Congress last year the Ordnance Bureau and the War Department made a new ruling when the last wage boards met. Up to that time it had been the rule to divide the average weekly wage paid in private plants in the vicinity by five and one-half in order to determine the daily wage for the arsenal. In order to deprive the workmen of the bonus the Ordnance Bureau and the War Department made a new ruling and divided the average weekly wage by six, which resulted in a reduction of over \$200 a year in the pay of the employees of the arsenal. They also made the strange ruling that railroad shops should not be considered among the private establishments in the vicinity, as they always had been.

In the vicinity of the Watertown Arsenal the principal shops where skilled machinists are employed are the railroad shops of the railroads concentrating at Boston. The result is that to-day, in spite of the bonus, painters in the Watertown Arsenal are receiving 66 cents an hour and in private establishments in the vicinity \$1 an hour. Carpenters are receiving 67 cents an hour in the arsenal and in private establishments in the vicinity \$1 an hour. Pattern makers, although they are receiving proportionally more, because of the fact that the Government can not get highly skilled employees of this kind unless they do pay them more in proportion, are receiving 98 cents an hour in the Watertown Arsenal and \$1.10 in the vicinity. Machinists receive \$5.68 a day in the Watertown Arsenal and \$6.80 a day across the river in the shops of the Boston & Albany Railroad.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALLINGER. Mr. Chairman, I ask for two minutes more.

Mr. BLANTON. If it will not interfere with the point of order.

The CHAIRMAN. It does not. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. DALLINGER. Now, Mr. Chairman, I am informed that the employees of these Government establishments respectfully requested a hearing before the subcommittee of the Committee on Appropriations and that they were told that the committee had all the information it desired. I do not know whether that is correct or not, but that is what I am informed. It seems to me it is clear now from the letter of the Secretary of the Navy just read by the Congressman from California [Mr. NOLAN], and from the figures which I have given in regard to

the Watertown Arsenal, that there was made, perhaps unintentionally, by the Committee on Appropriations, an unfair and unjust discrimination against these employees of the Government. It seems to me that if we are going to pay the \$240 bonus to all the civilian employees of this Government we ought to be fair to the men who labor with their hands as well as to the policemen and firemen who, at the risk of their lives, protect the lives and property of the people of the Nation's Capital, and give to them the same treatment that we give to the clerks in all the other Government departments not only in the District of Columbia but throughout the country. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I wish to state that gentlemen are laboring under a very great misapprehension, I think. If not, the committee has been very ill advised, not only by the Secretary of the Navy but also by the gentlemen who have charge of these navy yards and arsenals. And I wish in passing to state that the gentleman from Massachusetts [Mr. DALLINGER] and the gentleman from California [Mr. NOLAN], speaking on behalf of those employed in the navy yards and the arsenals, have not called attention to the fact that every employee in the arsenals and in the navy yards gets 30 days' leave of absence each year with full pay that the employees on the outside do not get. In addition, if we are correctly informed, those who are working in the navy yards and in the arsenals are getting the same pay for eight hours per day that the gentlemen on the outside are receiving for nine hours per day.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. JOHNSON of Mississippi. What is the basic pay of the navy-yard employees?

Mr. WOOD of Indiana. It is fixed by an adjusting board in the different localities, based on what like service is being paid.

Mr. JOHNSON of Mississippi. Is the \$240 taken from that?

Mr. WOOD of Indiana. No; they are getting it now. We have stricken it from this bill. I wish to call the attention of the House to what the Secretary of the Navy has advised the committee upon this subject.

The Labor Wage Adjustment Board appointed to consider the question of a readjustment in the wages for employees under the Naval Establishment finds that the existing wage scale for the Naval Establishment is higher, the \$240 per annum congressional bonus considered, than the wage scale of any other industry as a whole in the United States, of which it has information. The present wage scale of the shipbuilding industry is lower than that of the railroad industry. The difference between the navy-yard scale and the shipbuilding industry is practically the congressional bonus of \$240 per annum, which was granted to all employees under the Naval Establishment on July 1, 1920, who are receiving less than \$2,740 per annum.

That is what the Secretary of the Navy tells us. I call attention now to what Maj. Wesson, of the Army, testified with reference to these employees in the arsenals:

Mr. WOOD. You are required to pay your men the compensation being paid to men engaged in like service, or who are doing the same character of work, in your vicinity?

Maj. WESSON. Yes, sir.

Mr. WOOD. Then, after having fixed your wages for your men upon that basis, and having fixed the base pay at an amount equal to that being paid by other industries employing like services in your vicinity, you add to that the bonus?

Maj. WESSON. Yes, sir.

Mr. WOOD. Then, they are getting more than they ought to be getting by the amount of the bonus, because of the fact that they are getting by the amount of the bonus more than like services command in private employment in the several localities.

Maj. WESSON. That is true, but it should be qualified to this extent: Our base pay is determined by a comparison with the pay paid in private establishments, but we do not consider the hours for which the private establishments pay for overtime work. For example, many private establishments have a basic 48-hour week, but they work from 55 hours to 60 hours, for which extra hours they pay overtime.

Mr. Chairman, that is what the Secretary of the Navy says and what Maj. Wesson says. We are told that these men are getting the amount of \$240 more than anybody is getting for a like service. It is absolutely unfair to every other employee of the Government and, I think, unfair to the Treasury of the United States.

Mr. BLANTON. Mr. Chairman, I make the point of order to the section and to all of the paragraphs in the section.

The CHAIRMAN. Does the gentleman from Indiana desire to discuss the point of order?

Mr. WOOD of Indiana. No; there is no doubt that the whole section is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GALLIVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GALLIVAN. Does that mean that the entire section goes out?

The CHAIRMAN. Yes. The gentleman from Texas made the point of order against the entire section and to all the paragraphs therein.

Mr. MAPES. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, I have not heard all of the discussion of this paragraph relating to the bonus for the members of the police force and the fire department of the District of Columbia, but I think it ought to be said for the benefit of the record that it was the understanding of the members of the Committee on the District of Columbia at the time the legislation was passed increasing the salaries of the men in these two departments that they would get the bonus in addition to the salaries fixed at that time. That statement was made in the report of the committee at the time. It was made definitely on the floor of the House of Representatives in the consideration of one of the bills in a colloquy between the gentleman from New York, Mr. GOULD, and the gentleman from New York, Mr. SNYDER. It was the general understanding of the members of the District Committee. The men in these departments are men with families. They are very much in need of this additional pay. On my way home last night, while waiting for a car, I saw an advertisement in the window of one of the stores for policemen and firemen in the District of Columbia, asking applicants to apply to the Civil Service Commission. Both departments are away behind in their personnel, and it is very difficult to get men in this service under present conditions. If anyone is to receive the bonus, it seems to me that the policemen and the firemen are entitled to it.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. Would it not be in order, in view of the fact that the Chair has sustained the point of order to the bonus proposition, for the Rules Committee to bring in a rule to make that section in order?

The CHAIRMAN. The Chair does not regard that as a parliamentary inquiry.

Mr. MANN of Illinois. It would not be in order in the Committee of the Whole. Everyone knows that except my colleague.

Mr. WOOD of Indiana. Mr. Chairman, I renew my motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15443, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WOOD of Indiana. Mr. Speaker, I demand a separate vote on the amendment of the gentleman from Utah [Mr. MAYS], whereby Salt Lake City, Utah, assay office was added to the bill.

The SPEAKER. The Clerk will report the amendment referred to.

The Clerk read as follows:

Amendment offered by Mr. MAYS: Page 68, line 25, after the figures "\$115,500" add a new paragraph, as follows: "Salt Lake City, Utah, assay office: Assayer in charge, who shall also perform the duties of melter, chief clerk, and cashier, \$1,800; for services of workmen and other employees, \$1,500; other incidental and contingent expenses, \$600; in all, \$3,900."

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] If not, the Chair will put them en grosse. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The question now is on the Mays amendment.

The question was taken; and on a division (demanded by Mr. MAYS) there were—ayes 65, noes 79.

Mr. MAYS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is evident there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on agreeing to the Mays amendment.

The question was taken; and there were—yeas 154, nays 124, answered "present" 1, not voting 151, as follows:

YEAS—154.

Almon	Evans, Mont.	Lanham	Rouse
Ashbrook	Fields	Lankford	Rubey
Aswell	Fisher	Larsen	Rucker
Ayres	Flood	Lazaro	Sabath
Bankhead	Focht	Lee, Calif.	Sanders, N. Y.
Barbour	Freeman	Lee, Ga.	Sears
Barkley	French	McArthur	Sherwood
Bee	Gallivan	McClintic	Sims
Benson	Gandy	McDuffie	Smith, Idaho
Black	Ganly	McFadden	Smith, N. Y.
Black, Va.	Gard	McLeod	Smithwick
Bowling	Garner	Mansfield	Stegall
Box	Garrett	Martin	Stedman
Brand	Godwin, N. C.	Mays	Stephens, Miss.
Briggs	Griffin	Mead	Stevenson
Brinson	Hadley	Miller	Stoll
Burdick	Hardy, Colo.	Milligan	Summers, Wash.
Caldwell	Hardy, Tex.	Minahan, N. J.	Summers, Tex.
Campbell, Pa.	Hastings	Moore, Va.	Tague
Caraway	Hayden	Mudd	Taylor, Ark.
Carew	Hill	Neely	Thomas
Carter	Hoev	Nelson, Mo.	Thompson
Casey	Holland	Nolan	Tillman
Christopherson	Howard	O'Connor	Timberlake
Clark, Fla.	Huddleston	Oldfield	Upshaw
Clark, Mo.	Hudspeth	Oliver	Vinson
Cleary	Humphreys	Olney	Watkins
Coady	Igoe	Osborne	Weaver
Collier	Jacoway	Padgett	Webster
Connally	James, Va.	Park	Welling
Cullen	Johnson, Ky.	Parrish	Welty
Curry, Calif.	Johnson, Miss.	Phelan	Whaley
Davis, Tenn.	Johnson, Wash.	Pou	Wilson, La.
Dickinson, Mo.	Jones, Tex.	Quin	Wingo
Donovan	Keller	Raker	Woods, Va.
Doughton	Kennedy, R. I.	Reed, N. Y.	Young, Tex.
Drane	King	Riordan	Zihlman
Drewry	Kinkaid	Robinson, N. C.	
Dupré	Lampert	Romjue	

NAYS—124.

Ackerman	Dyer	Knutson	Ricketts
Anderson	Echols	Kraus	Riddick
Andrews, Md.	Edmonds	Longworth	Robison, Ky.
Andrews, Nebr.	Elliott	Luce	Rogers
Anthony	Elston	Lufkin	Schall
Begg	Evans, Nebr.	Luhning	Scott
Berdam	Fairfield	McAndrews	Shreve
Blanton	Fess	McLaughlin, Nebr.	Sisson
Boles	Fish	MacGregor	Slomp
Britten	Foster	Madden	Snell
Brooks, Ill.	Frear	Magoe	Snyder
Brooks, Pa.	Fuller	Mann, Ill.	Stephens, Ohio
Browne	Glynn	Mapes	Strong, Kans.
Buchanan	Goodall	Mason	Swindall
Burrroughs	Goodykoontz	Michener	Temple
Butler	Graham, Ill.	Mondell	Tilson
Campbell, Kans.	Greene, Mass.	Moore, Ind.	Tinkham
Cannon	Griest	Murphy	Towner
Chindblom	Hernandez	Newton, Minn.	Treadway
Classon	Hersey	Newton, Mo.	Vestal
Cole	Hickey	Ogden	Voigt
Cramton	Hicks	Paige	Volstead
Crowther	Houghton	Patterson	Walters
Currie, Mich.	Hulings	Peters	Watson
Dale	Hull, Iowa	Porter	Watson
Dallinger	Jones, Pa.	Purnell	Wheeler
Darrow	Kahn	Radcliffe	White, Kans.
Davis, Minn.	Kearns	Ramsayer	White, Me.
Dowell	Kelly, Pa.	Ransley	Wood, Ind.
Dunbar	Kendall	Reavis	Yates
Dunn	Klecza	Rhodes	Young, N. Dak.

ANSWERED "PRESENT"—1.

Steenerson

NOT VOTING—151.

Bakka	Evans, Nev.	Kreider	Rainey, Ala.
Bacharach	Ferris	Langley	Rainey, Henry T.
Baer	Fordney	Layton	Rainey, John W.
Bell	Gallagher	Leibach	Ramsey
Blackmon	Goldfogle	Leshner	Randall, Calif.
Bland, Ind.	Good	Linthicum	Randall, Wis.
Bland, Mo.	Goodwin, Ark.	Little	Rayburn
Boohar	Gould	Loneragan	Reber
Bowers	Graham, Pa.	McCulloch	Reed, W. Va.
Brumbaugh	Green, Iowa	McGlennon	Rodenberg
Burke	Greene, Vt.	McKenzie	Rose
Byrnes, S. C.	Hamill	McKeown	Rowan
Byrnes, Tenn.	Hamilton	McKinley	Rowe
Candler	Harrell	McKinley	Sanders, Ind.
Cantrill	Harrison	McLane	Sanders, La.
Carrs	Haugen	McLaughlin, Mich.	Sanford
Cooper	Hawley	McPherson	Scully
Copley	Hays	Maher	Sells
Costello	Hersman	Major	Siegel
Crago	Hoch	Mann, S. C.	Sinclair
Crisp	Hull, Tenn.	Merritt	Sinnott
Davey	Husted	Monahan, Wis.	Small
Dempsey	Hutchinson	Montague	Smith, Ill.
Denison	Ireland	Moon	Smith, Mich.
Dent	James, Mich.	Mooney	Steele
Dewalt	Jefferis	Moore, Ohio	Stines
Dickinson, Iowa	Johnson, S. Dak.	Morin	Strong, Pa.
Dominick	Johnston, N. Y.	Mott	Sullivan
Dooling	Juul	Nelson, Wis.	Sweet
Doremus	Kelley, Mich.	Nicholls	Swope
Eagan	Kennedy, Iowa	O'Connell	Taylor, Colo.
Eagle	Kettner	Overstreet	Taylor, Tenn.
Ellsworth	Kiess	Parker	Tincher
Emerson	Kincheloe	Pell	Vaile
Esch	Kitchin	Periman	Vare

Venable	Ward	Wilson, Pa.	Woodyard
Volk	Williams	Winslow	Wright
Walsh	Wilson, Ill.	Wise	

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. HENRY T. RAINEY (for) with Mr. FORDNEY (against).
 Mr. WRIGHT (for) with Mr. HOCH (against).
 Mr. HULL of Tennessee (for) with Mr. GREEN of Iowa (against).

General pairs:

Mr. RODENBERG with Mr. SANDERS of Louisiana.
 Mr. JUUL with Mr. CRISP.
 Mr. BLAND of Indiana with Mr. McKEOWN.
 Mr. SANDERS of Indiana with Mr. RANDALL of California.
 Mr. MONAHAN of Wisconsin with Mr. BRUMBAUGH.
 Mr. WALSH with Mr. O'CONNELL.
 Mr. WOODYARD with Mr. BELL.
 Mr. VOLK with Mr. OVERSTREET.
 Mr. WINSLOW with Mr. KETTNER.
 Mr. GOOD with Mr. BYRNS of Tennessee.
 Mr. TINCER with Mr. GOLDFOGLE.
 Mr. PARKER with Mr. LINTHICUM.
 Mr. WILLIAMS with Mr. VENABLE.
 Mr. SINCLAIR with Mr. BABKA.
 Mr. COOPER with Mr. TAYLOR of Colorado.
 Mr. WARD with Mr. DOMINICK.
 Mr. HARRELD with Mr. FERRIS.
 Mr. VARE with Mr. LESHNER.
 Mr. McPHERSON with Mr. SCULLY.
 Mr. GRAHAM of Pennsylvania with Mr. STEELE.
 Mr. HAUGEN with Mr. DOREMUS.
 Mr. TAYLOR of Tennessee with Mr. MOON.
 Mr. NELSON of Wisconsin with Mr. BLACKMON.
 Mr. McLAUGHLIN of Michigan with Mr. BEE.
 Mr. SWEET with Mr. BYRNES of South Carolina.
 Mr. LAYTON with Mr. KINCHELOE.
 Mr. STRONG of Pennsylvania with Mr. MAHER.
 Mr. MERRITT with Mr. CANTRELL.
 Mr. DENISON with Mr. RAYBURN.
 Mr. SIEGEL with Mr. LONERGAN.
 Mr. KREIDER with Mr. EVANS of Nevada.
 Mr. MOORE of Ohio with Mr. DAVEY.
 Mr. DEMPSEY with Mr. JOHNSTON of New York.
 Mr. REBER with Mr. MANN of South Carolina.
 Mr. SINNOTT with Mr. DENT.
 Mr. DICKINSON of Iowa with Mr. PELL.
 Mr. ROSE with Mr. McLANE.
 Mr. PERLMAN with Mr. BLAND of Missouri.
 Mr. BACHARACH with Mr. HAMILL.
 Mr. REED of West Virginia with Mr. SULLIVAN.
 Mr. STINESS with Mr. ROWAN.
 Mr. MCKENZIE with Mr. RAKER.
 Mr. JEFFERIS with Mr. BOOHER.
 Mr. GOULD with Mr. EAGAN.
 Mr. BOWERS with Mr. HARRISON.
 Mr. ESCH with Mr. SMALL.
 Mr. LEHLBACH with Mr. WISE.
 Mr. KIESS with Mr. WILSON of Pennsylvania.
 Mr. BURKE with Mr. McKINIRY.
 Mr. LANGLEY with Mr. NICHOLLS.
 Mr. ELLSWORTH with Mr. CARSS.
 Mr. HAYS with Mr. KITCHIN.
 Mr. LITTLE with Mr. McGLENNON.
 Mr. IRELAND with Mr. MONTAGUE.
 Mr. COPLEY with Mr. DOOLING.
 Mr. GREENE of Vermont with Mr. EAGLE.
 Mr. HAWLEY with Mr. GOODWIN of Arkansas.
 Mr. CRAGO with Mr. GALLAGHER.
 Mr. JOHNSON of South Dakota with Mr. CANDLER.
 Mr. MORIN with Mr. DEWALT.
 Mr. HUTCHINSON with Mr. MAJOR.
 Mr. KELLEY of Michigan with Mr. MOONEY.
 Mr. MOTT with Mr. RAINEY of Alabama.
 Mr. HUSTED with Mr. JOHN W. RAINEY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

Mr. GALLIVAN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GALLIVAN. To ask for the yeas and the nays on the passage of the bill.

The SPEAKER. We have not yet reached the passage of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GALLIVAN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Twelve gentlemen have risen in support of the yeas and nays, not a sufficient number, and the yeas and nays are refused.

The question was taken, and the bill was passed.

On motion of Mr. WOOP of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. ELSTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15682, the Indian appropriation bill, and pending that, Mr. Speaker, I would like to arrive at an agreement with the gentleman from Oklahoma [Mr. HASTINGS] in regard to the time for general debate. Has the gentleman any suggestion?

Mr. HASTINGS. What time does the gentleman from California suggest? I desire to know if he included in that request that the debate be confined to the bill?

Mr. ELSTON. No; I preferred not, because the only request I have acceded to for time I understand is to be used by a gentleman who does not intend to confine his remarks to the bill. Having acceded to his request, I do not think I should put the unanimous-consent request in that form.

Mr. HASTINGS. How much time does the gentleman think? I had hoped the gentleman would make that request inasmuch as there is absolutely no legislation upon this bill, and I thought we could very much expedite its consideration if we could confine the debate to the bill.

Mr. ELSTON. Well, I can not accede to that suggestion. I ask unanimous consent, Mr. Speaker, that general debate be confined to an hour and a half, half of that time to be controlled by myself and half by the gentleman from Oklahoma [Mr. HASTINGS].

The SPEAKER. The gentleman from California asks unanimous consent that general debate be limited to one hour and a half, half of that time to be controlled by himself and half by the gentleman from Oklahoma. Is there objection?

Mr. GALLIVAN. Mr. Speaker, I object; and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-five gentlemen are present, not a quorum.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and following Members failed to answer to their names:

Almon	Ferris	McKeown	Sanders, N. Y.
Andrews, Md.	Fordney	McKiniry, N. Y.	Sanford
Babka	Frear	McKinley, Ill.	Scully
Bacharach	Gallagher	McLane	Sells
Baer	Good	McLaughlin, Mich.	Siegel
Bell	Goodwin, Ark.	McPherson	Sims
Benham	Gould	Maher	Sinclair
Blackmon	Graham, Pa.	Major	Sinnot
Bland, Ind.	Green, Iowa	Mann, S. C.	Small
Bland, Mo.	Greene, Vt.	Martin	Smith, Ill.
Booher	Hamill	Merritt	Smith, Mich.
Bowers	Hamilton	Monahan, Wis.	Smithwick
Brumbaugh	Harreld	Montague	Steele
Burke	Harrison	Moon	Stephens, Miss.
Butler	Haugen	Mooney	Stiness
Caldwell	Hawley	Moore, Ohio	Strong, Pa.
Campbell, Kans.	Hersman	Morin	Sullivan
Candler	Hull, Tenn.	Mott	Sweet
Cantrell	Husted	Nelson, Wis.	Swope
Carss	Hutchinson	Nicholls	Taylor, Colo.
Casey	Ireland	O'Connell	Taylor, Tenn.
Clark, Fla.	James, Mich.	Oldfield	Tincher
Copley	Jefferis	Overstreet	Treadway
Costello	Johnson, S. Dak.	Parker	Upshaw
Crago	Johnston, N. Y.	Pell	Vale
Crisp	Juul	Perlman	Vare
Crowther	Kelley, Mich.	Porter	Venable
Davey	Kennedy, Iowa	Rainey, Ala.	Volk
Dempsey	Kettner	Rainey, Henry T.	Walsh
Denison	Kieess	Rainey, John W.	Ward
Dewalt	Kitchin	Randall, Calif.	Watson
Dominick	Kreider	Randall, Wis.	Williams
Dooling	Lampert	Rayburn	Wilson, Ill.
Doremus	Langley	Reber	Wilson, Pa.
Dunbar	Layton	Reed, W. Va.	Winslow
Eagan	Lehlbach	Rodenberg	Wise
Eagle	Leshner	Rose, Pa.	Woodyard
Ellsworth	Linthicum	Rowan, N. Y.	Wright
Emerson	Loneragan	Rowe, N. Y.	
Esch	McCulloch	Sanders, Ind.	
Evans, Nev.	McGlennon	Sanders, La.	

The SPEAKER. Two hundred and sixty-seven Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The question is, Will the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GALLIVAN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 102, noes 15.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15682, the Indian appropriation bill, with Mr. Fess in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 15682, the Indian appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922.

Mr. ELSTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from California asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. ELSTON. Mr. Chairman, I do not intend to consume more than a very few minutes in the discussion of this Indian appropriation bill, covering appropriations for the fiscal year beginning next July. I will invite the attention of the committee to the estimates submitted by the department, on which this bill was based. These estimates aggregate as a grand total the sum of approximately \$15,000,000. The total of appropriations carried by this bill approximate \$11,944,000, or a decrease from the estimates of about \$3,000,000. Last year's appropriation bill for this service carried a grand total of \$12,847,000. So that the present appropriation bill now under consideration carries about \$1,000,000 less than last year's bill. In fact, the present bill takes us back in the matter of appropriations to the prewar years of 1914 and 1915.

The House, I have no doubt, is familiar with the classification of appropriations made under this bill. The mention of the grand total is somewhat misleading, inasmuch as the whole amount of that grand total does not come out of the Treasury of the United States. The classification of appropriations falls into four groups, as follows: Gratuity appropriations, reimbursable appropriations, appropriations made under the obligations of treaties, and appropriations out of tribal funds.

The main concern of the House is with regard to the total amount of gratuity appropriations, inasmuch as those appropriations come out of the Treasury of the United States. Its next concern might be in the matter of the total of treaty appropriations, although they are in pursuance of treaties, and to that extent we are obligated to make appropriations under their provisions, but there is no reimbursement to the Treasury.

It is with some pleasure, therefore, that I invite your attention to the aggregate of gratuity appropriations in the present bill. These appropriations amount to \$6,839,000, as against estimates of \$8,221,000 and as against gratuity appropriations in the Indian appropriation bill of last year of \$7,251,000. The gratuity appropriations in the bill of 1914 amounted to \$6,650,000 and in the year 1915 to \$6,872,000, so that the gratuity appropriations under this bill are very slightly in excess of appropriations of like character in 1914 and are under the total of gratuity appropriations made in 1915.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. ELSTON. I yield.

Mr. JOHNSON of Mississippi. I understand there are about 1,100 Choctaw Indians in Mississippi, and recently I have been informed that a number of them have moved into my district. Is this fund available for the building of schools and for the general welfare of those Indians who have moved from the place where they were at the time the first appropriation was made? Would this fund be available to put up schools for them and to educate them in growing cotton, and so forth?

Mr. ELSTON. You mean that this change of residence has not been outside of Mississippi?

Mr. JOHNSON of Mississippi. No.

Mr. ELSTON. My understanding is it would not affect their right to participation in the fund that is appropriated for the civilization of those Indians in Mississippi.

Mr. JOHNSON of Mississippi. May I ask now how this fund is administered? I am not familiar with it.

Mr. ELSTON. It is administered under the agents of the Indian Bureau.

Mr. JOHNSON of Mississippi. From Washington?

Mr. ELSTON. From Washington, although there are local agents down there, I assume. I do not know that there is an agency there, but there are agents of the bureau down there who supervise the expenditure of the money.

Mr. LARSEN. Will the gentleman yield?

Mr. ELSTON. I prefer not to yield now.

Mr. LARSEN. I wish to ask a short question.

Mr. ELSTON. If the gentleman will permit, I would like to complete this statement.

I shall put into the RECORD tables illustrating the remarks I have made with regard to the comparison of appropriations in this bill and in previous bills, and with the estimates, and shall also put into the RECORD the total appropriations, under proper subheads, from the years 1914 to 1921, inclusive:

ESTIMATES, FISCAL YEAR 1922.

The estimates submitted by the department upon which this bill is based are to be found in the Book of Estimates, 1922, pages 423 to 501, and are as follows:

Gratuity appropriations.....	\$8,221,599.67
Reimbursable appropriations.....	2,834,484.00
Appropriations under treaty.....	933,620.00
Total from Treasury.....	11,989,703.67
Appropriations of tribal funds.....	3,089,886.30
Grand total.....	15,079,589.97

APPROPRIATIONS, FISCAL YEAR 1921.

In the Indian appropriation act approved February 14, 1920, the appropriations were as follows:

Gratuity appropriations.....	\$7,251,985.20
Reimbursable appropriations.....	1,941,950.07
Appropriations under treaty.....	826,620.00
Total from Treasury.....	10,020,555.27
Appropriations of tribal funds.....	2,827,442.12
Grand total.....	12,847,997.39

APPROPRIATIONS IN PRESENT BILL.

Gratuity appropriations.....	\$6,839,525.00
Reimbursable appropriations.....	1,609,735.00
Appropriations under treaty.....	856,620.00
Total from Treasury.....	9,305,880.00
Appropriations of tribal funds.....	2,638,655.30
Grand total.....	11,944,535.30

In fact, the appropriations recommended in the present bill approximate, as I have stated, the amounts appropriated in the prewar years of 1914 and 1915, as will be seen from the following table showing the aggregate of the appropriations for the fiscal years 1914-1921, inclusive, with their distribution under the proper subheads:

Year.	Gratuity.	Reimbursable.	Treaty.	Tribal funds.	Total.
1914.....	\$6,646,659.67	\$1,993,900.00	\$888,635.07	\$508,500.00	\$10,037,694.74
1915.....	6,872,307.26	1,838,520.00	936,040.65	1,567,788.00	11,214,655.91
1916.....	7,283,991.44	2,830,186.00	796,760.00	1,304,000.00	12,214,937.44
1917.....	7,705,446.67	2,194,950.00	845,360.00	1,291,117.38	12,036,874.05
1918.....	7,334,656.13	2,927,750.00	834,860.00	4,385,000.00	15,482,266.13
1919.....	7,501,985.95	2,767,941.08	834,860.00	4,169,711.81	15,273,698.84
1920.....	7,251,985.20	1,941,950.07	826,620.00	2,827,442.12	12,847,997.39

¹ Resolution continuing 1915 appropriations.

While the present bill carries appropriations of nearly \$1,000,000 under the total appropriations contained in the bill of 1921, I believe that your committee has used judgment in the matter of retrenchment and that the cuts will not seriously affect any important activity in the Indian Service. For instance, we have not materially touched in the way of our reductions the very important item of school activities. We have left the estimate for health activities of the bureau practically intact. We have left the framework of the organization of the Indian Bureau intact in so far as personnel is concerned, with very few exceptions. We decreased the appropriation for Indian police and, as I remember, reduced that appropriation \$50,000. It is apparent that in a great many of the States in which Indians are now located civilization has progressed, and law and order have reached a stage where the local county and municipal authorities can take care of police matters.

Mr. LARSEN. Mr. Chairman, will the gentleman yield now?

Mr. ELSTON. Yes.

Mr. LARSEN. Will the gentleman explain on page 5, on the question of the traffic in intoxicating liquor among the Indians, the item of \$20,000? What is the special reason for

carrying that appropriation here, inasmuch as we have prohibition enforcement officers all over the country, and it is supposed that there are no intoxicating liquors distributed among the people anyway? What is the special reason for continuing that appropriation at the present time?

Mr. ELSTON. If the gentleman is familiar with the appropriations carried in the bills in the past—

Mr. LARSEN. I know it has been carried in the past, but why should it be continued?

Mr. ELSTON. There has been a decrease in the appropriation. The present bill carries only \$20,000, whereas the act last year carried \$65,000, and I believe the act for the year previous carried \$100,000. We have reduced the amount down to the minimum, which we believe will be sufficient to keep the most efficient employees in this service. We have left what might be called a contract between the Indian Service and the revenue enforcement officers who are charged with the enforcement of the Volstead Act.

We felt that to eliminate that appropriation altogether would be a serious loss in efficiency. It would be a good thing to retain in the Indian Bureau a number of employees who would be acquainted with the Indian country.

Mr. LARSEN. Does it involve a duplication of the work at this time?

Mr. ELSTON. We felt that it would not be a duplication. We felt that the Indian officials could cooperate with the officials of the revenue bureau, and that a great deal of use could be made of these officials employed under the appropriation of \$20,000 left in the bill.

Mr. LARSEN. Now, just one question further: If these officers now employed are efficient—and I take it they are—would it not be quite likely that they would be employed by the force especially intrusted with the enforcement of the prohibition law without this appropriation here?

Mr. ELSTON. The gentleman can answer that as well as I. I know that would be the result in regard to necessary dismissals incident to the decrease of these appropriations from \$65,000 to \$20,000.

Mr. LARSEN. What is the practical effect of it? Is the practical effect this, that it just causes a withdrawal of the prohibition forces, the officers in this prohibition territory, and reduces it to the officers provided under this bill? Or do you know on that point?

Mr. ELSTON. The committee thought that in the enforcement of the Volstead Act there would be a number of these officials all over the United States and that the organization under the revenue bureau would scatter its forces everywhere, and they would naturally cross the path every day of like officials employed in the Indian Bureau. We wanted to stop that duplication. If there is any illicit manufacture of liquor going on it is the duty of the Volstead officers to follow it to its source, and if its source is in the Indian country they should follow it there. We have provided so that they may get the assistance of the officials in the Indian Bureau.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. BLANTON. Assurance was attempted to be given us that there was absolutely no legislation in this bill. I want to call the attention of the gentleman from California to a like assurance given at the beginning of the discussion of the legislative bill, when we began the discussion of it. And yet the gentleman remembers that the Chair sustained a point of order knocking out five pages and involving \$4,000,000, and knocked out various other paragraphs involving several thousand dollars. And likewise the assurance was given by members of the Committee on Appropriations—

Mr. ELSTON. Will the gentleman come to the point?

Mr. BLANTON. I can come to the point in a moment if the gentleman will just answer this question: Assurances were given by the subcommittee in charge of the Post Office appropriation bill and by the subcommittee in charge of the sundry civil bill that there was no legislation in those bills, and yet big items were knocked out of those bills on points of order made against legislative provisions. Now, are there any items of legislation really in this bill or not?

Mr. ELSTON. I will make no guaranty, but if the gentleman will take my conclusion only I will say that there is practically no legislation of any kind—

Mr. BLANTON. Except as to provisos making funds immediately available. I notice a good many of them.

Mr. ELSTON. There are few even of that kind of legislative provisions.

Mr. BLANTON. Yes. Outside of them there is no legislation?

Mr. ELSTON. There may be one or two exceptions to that. That is why I said "practically." But I can think of nothing

in the way of the inauguration of a new policy or the insertion of a new provision of law in the bill, excepting, perhaps, a few minor clauses.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. I would like to make one further statement first. I will conclude with the statement that the committee in making the decrease of about \$1,000,000 from last year's bill has taken up a great deal of that amount by not appropriating to the limit for western irrigation projects that have heretofore been appropriated for in the Indian bill. I shall not go into that beyond saying this, that we have tried to do the best thing we could by these projects. We have tried to appropriate for each of them at least a sum sufficient to continue their maintenance and operation and in some cases an additional amount to protect new work, in the nature of consolidation work, to keep the projects from deterioration and waste.

We were prompted to this retrenchment in view of the fact that every one of these irrigation projects has reached the point where the Indians have been absolutely provided for in the way of irrigable land, and the appropriations that are now requested are for enlarging the distributing system or of enlarging the project itself for the benefit of lands purchased by white settlers or owned by them originally. Now, we have done a rather drastic thing, but it is in pursuance of a policy that was announced by the Indian Affairs Committee last year after investigations made by its chairman, Mr. SNYDER, and I feel that the committee are following a good principle in applying these suggestions.

I understand that the chairman of the Indian Affairs Committee [Mr. SNYDER] has proposed, in a bill which has been introduced in the House, a reformation of this system of appropriating moneys in the Indian appropriation bill for the inauguration or continuation of projects which are mainly for white settlers. Such projects should naturally come under the jurisdiction of the Reclamation Service. We believe this bill should concern itself only with Indian projects.

I shall not take up the time of the House to discuss any further details, as they will be developed when we come to read the bill section by section. I have made this general statement to give you a slight idea of the broad features of the bill and what this committee has done in the way of large totals.

Mr. Chairman, I reserve the remainder of my time, and yield three minutes to the gentleman from California [Mr. KAHN].

Mr. GALLIVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GALLIVAN. That there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes a point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and six Members present, a quorum.

Mr. KAHN. Mr. Chairman, on the 6th of January the gentleman from New Jersey [Mr. HUTCHINSON] introduced a privileged resolution which went to the Committee on Military Affairs. It called for information regarding the quantity of nitrate of sodium that was on hand in the War Department and the price at which it was bought. The Secretary of War has written me a letter upon the subject, showing that 249,585 long tons are on hand, and that the prices vary. I ask unanimous consent to insert the resolution and the letter of the Secretary of War in the Record.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in the Record the documents to which he refers. Is there objection?

There was no objection.

The resolution and the letter referred to are as follows:

House resolution 637.

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the House of Representatives, not later than February 1, 1921, a statement showing the amount of nitrate of soda on hand in the War Department and the price paid for the same per ton.

WAR DEPARTMENT,
Washington, January 12, 1921.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. KAHN: In compliance with House resolution 637, I wish to inform you that there are on hand in the War Department 294,585 long tons of sodium nitrate.

It is not possible to give the exact cost per ton of the above-mentioned stocks inasmuch as some represent purchases made prior to the war and some undoubtedly the peak price paid during the war. These prices range from \$42 per ton prewar to \$110 per ton peak war price, both quotations being f. o. b. New York.

An examination of the amounts purchased and of the contract prices paid would indicate that a fair average cost is \$85 per ton for the stocks now on hand.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. KAHN. Mr. Chairman, I yield back the remainder of my time.

Mr. ELSTON. Mr. Chairman, may I ask how much time has been consumed?

The CHAIRMAN. The gentleman has used 21 minutes.

Mr. ELSTON. I yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I want to emphasize at the outset what has already been so well said by the gentleman from California [Mr. ELSTON] who has this bill in charge, and that is that there is no new legislation upon this bill. I think that there is less objectionable matter in this bill than in any other appropriation bill that has been considered here since I have been a Member of the House. I want to qualify my general statement by saying that a few of the items, some two or three in the bill, are made immediately available. A very creditable showing was made upon those items before the committee that held the hearings upon the bill, and this was done for the purpose of meeting certain emergencies.

I want to qualify my statement further by saying that if there is any legislation in the bill, it is not new legislation, but we have used the old language as heretofore used.

I want also to emphasize what the chairman of the committee has said, that this bill carries a reduction of \$903,462.09 below the amount carried in the last bill, a saving of almost a million dollars.

Mr. BLANTON. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. BLANTON. I suppose it will be admitted by everyone that the gentleman from Oklahoma [Mr. HASTINGS] is the best posted man in the House about this Indian bill.

Mr. HASTINGS. I disclaim that honor.

Mr. BLANTON. The gentleman heard what was said by the gentleman from California [Mr. ELSTON]. I want to ask the gentleman from Oklahoma his idea as to legislation contained in the bill. Is there any?

Mr. HASTINGS. The gentleman from Texas did not hear me a moment ago when I said that, so far as I knew, there was absolutely no new legislation, except there were one or two items in the bill where the sums appropriated were made immediately available, but outside of that I know of no new legislation.

Mr. BLANTON. My attention was diverted at the time the gentleman made the statement.

Mr. HASTINGS. I said there was no new legislation in the bill; that is, no new activities or projects provided for.

I want to make one further qualifying statement, which is that there is a Minnesota item where the appropriation was made in a little different language from that carried in last year's bill, but it was represented to the committee that it was for the same purpose, and the Indians themselves and their representatives and the department had held a hearing and agreed upon the particular language, and it was represented that it did not carry anything new, but itemized and differently expressed.

I think outside of that, so far as I know, there is no new legislation in this bill. As has been suggested, we have used the old language which has been carried in the bill for a number of years.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. CARTER. Is it not a fact that the Minnesota item is similar to the one that has been carried in the bill for a great number of years, but that there are simply some changes in the language?

Mr. HASTINGS. That is what I tried to say. It provides for exactly the same thing, using a little different language, but the Indians and the representatives of the Indians and of the department all agreed to the change in the language, and the money comes out of the Indians' own tribal fund. So that I think there is no additional authority such that the House could possibly object to.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. MANN of Illinois. Is the item which the gentleman refers to the one which authorizes the Secretary to turn over to the State of Minnesota certain hospitals?

Mr. HASTINGS. I do not have a copy of the bill before me at this time.

Mr. MANN of Illinois. I supposed the gentleman would know the item that we are talking about.

Mr. HASTINGS. I have not a copy of the bill, so that I can refer to the lines in the bill, but that is what I have reference to.

Mr. MANN of Illinois. Authorizing the Secretary of the Interior to turn over to the State of Minnesota hospital plants and equipment. Does the gentleman say that that has been carried in the bill for a number of years?

Mr. HASTINGS. No; I did not say that.

Mr. MANN of Illinois. Some one said it. That is a new provision.

Mr. KNUTSON. In what part of the bill does that occur?

Mr. MANN of Illinois. It is in the bill. I know where it is.

Mr. KNUTSON. I have not had that called to my attention.

Mr. MANN of Illinois. It is at the bottom of page 25. That is one place where there is legislation. There are a number of other appropriations that are carried without any authority of law. All through the bill it is the same way.

Mr. HASTINGS. I called attention to the Minnesota items, where the language has been changed, but it appropriates for exactly the same thing, where the Indians themselves, and representatives of the Indians and representatives of the department have agreed upon it, and these constitute the only changes in the bill.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. GARD. I was unable to get the courtesy of a reply from the chairman of the committee, so I am going to ask the ranking Democrat on the committee a question: The bill does carry a number of legislative items, does it not, which the gentleman classes as old legislation? What I particularly wanted to know is whether there is any legislation that can be characterized as a limitation in this bill.

Mr. HASTINGS. If there is, it is not new legislation or new language that we have added to the bill. It is the old language that has been carried in the bill for a number of years prior to this time.

Mr. GARD. Of course, there is a very considerable amount of that which can be strictly classed as legislation. The gentleman calls it old legislation and makes a point of difference between old legislation and new legislation. This bill, of course, does carry a great deal of what might be called legislation—possibly necessarily.

Mr. HASTINGS. What I have been trying to explain to the Members of the House is that we have taken up the language used in previous Indian appropriation bills, and except in the cases that I have mentioned, so far as I now recall, we have not changed that language, except here and yonder dropping from the bill legislation that was regarded as of a permanent nature, which had been theretofore carried in the bill.

The Indian question is one older than our Government. The Indians were found here when the first English settlers landed on the eastern coast. They roamed over all the territory now embraced in the United States, from ocean to ocean and from the Great Lakes to the Gulf. Each colony dealt with them separately—sometimes humanely but oftentimes adopting a wrong policy.

To discuss these matters, more than a century old, would not be of any beneficial use in the consideration of the pending bill.

After the adoption of our Constitution the Indians were pacified and controlled by the War Department with disastrous results at times. Later a policy of making treaties was adopted with several tribes of Indians, limiting the area that each occupied and defining their boundaries. A Commissioner of Indian Affairs at Washington was provided for at an early date, and when the Department of the Interior was created, on March 3, 1849, the policy of controlling the Indians under the War Department was changed. The Indian Bureau was made a part of the Interior Department. In 1871 Congress adopted the policy of making no more treaties with the Indians and they were thereafter dealt with by agreement or by direct acts of Congress.

While a treaty with the Indians was thought to be a more solemn and binding matter than agreements or acts of Congress, its legal effect, as defined by the Supreme Court in a great number of cases, is of no more binding force. It is subject to amendment or repeal in the same way. This has never been understood by the Indians of the country, and I fear that it never will be. The Indians can not break a treaty with the Government, because they do not have the physical power, and they do not understand how the Government can violate its obligations with impunity.

Within the last few years a very large number of the Indians have been allotted their lands and many of them have been freed from governmental supervision.

The total Indian population, as shown by the report of the Commissioner of Indian Affairs, is given as 336,337 in the United States, of whom 101,506 are members of the Five Civil-

lized Tribes in Oklahoma. In addition there are a number of smaller tribes, aggregating about 15,000 additional Indians, in that State alone. The Indians are located for the most part upon reservations in States west of the Mississippi River, and are largely in Oklahoma, Arizona, New Mexico, Montana, and the Dakotas.

The question is frequently asked, What is to become of the Indian and what is the solution of the Indian question? In my judgment, the correct answer lays in his industrial education. Much is being done along this line. In the last few years the Government has expended large sums of money in educating Indian children in the day and boarding schools. We have a large number of boarding schools, known as reservation and nonreservation schools. Many of these schools are doing a great work.

During the month of May, 1920, a subcommittee of the Committee on Indian Affairs visited a great many of these schools. I want to testify to their splendid work on behalf of the Indian. Connected with most of these schools are tracts of land that are cultivated by the Indian boys. In addition they are given training in many trades. The girls are taught domestic science and occupations useful to women. If these schools were enlarged and their capacity increased, so as to accommodate all the Indian children and so they could be intensively trained for the next 10 years, the Indian question would in a large measure be solved. Of course, we would have some of the older Indians still with us. We must not be too impatient in attempting to solve the question. It can not be done in a day. It must be remembered that these children of the forest and the chase must be first taught the English language and think in terms of English.

Again, it must be remembered that in dealing with the Indians you are dealing with a race of people who have never had a proper appreciation of the value of property, real or personal. Permit me to say, that the proper solution of the Indian question is largely an individual question. There are a large number of Indian tribes scattered throughout the West and Northwest. Legislation that is suited to one may be entirely unsuited to another tribe. You can not legislate for the Navajo Indians, who are sheep herders in Arizona, like you would legislate for the Chippewa Indians, who live in Minnesota. You can not have the same policy with reference to Indians with a small degree of Indian blood, who have a century of education behind them and who have had the advantages of intermingling with white people through a long term of years, like you can with Indians of pure blood living upon a reservation. The people of the United States do not understand this, and it is with reluctance that I make the statement that but few Members of Congress understand it.

When you mention the word Indian here or elsewhere the sentimentalist, the dreamer, and the impractical man pictures before him the wild Indian of the western plains. He does not take into consideration that there are Indians of such varying degrees of civilization. Let me repeat that the proper solution of the Indian question is largely an individual one, and you must approach it differently with each tribe.

The question is frequently asked in the House, "Why is it we appropriate more money now than we used to a number of years ago, inasmuch as it is stated that many Indians are being relieved of governmental supervision?" Years ago the Indian tribes were dealt with as tribes. Since Congress has adopted a policy of allotting Indian lands we have been trying to educate the Indian up to where he will be able to assume the responsibility of citizenship and to take care of his property. The result has been that it requires a much larger field force to make the rolls, to grade, appraise, and allot the lands, and to look after the individual Indian, than to look after the tribe as a whole. Within the next 10 years the Indian question will largely be solved. The ones who have been placed in school and given an industrial education will be turned loose from any governmental supervision.

This bill appropriates \$903,462.09 less than the Indian bill of last year. We are practicing economy wherever it can be practiced without detriment to the service. The suggestion that I have to make is that I believe the estimates of the department for additional buildings and equipment in connection with boarding schools should be allowed so as to increase the capacity of these schools and give the children the benefit of an industrial training there.

The subcommittee carefully went over each item and the justification made in its behalf. We have practiced the severest economy. The total amount carried in this bill is \$11,944,535.30. There is absolutely no general legislation on it, unless it be provisions heretofore carried in the bill. We have allowed no new provision subject to a point of order to

be inserted. Ours is an appropriating committee and not a legislative committee. We have pursued the policy that matters of general legislation should be referred to the Committee on Indian Affairs and not to the Appropriations Committee.

The amount appropriated in the bill is divided up as follows:

Gratuity appropriations.....	\$6,839,525.00
Appropriations pursuant to treaties.....	856,620.00
Reimbursable appropriations.....	1,609,735.00
Appropriations from tribal funds.....	2,638,655.30
	11,944,535.30

The amount taken from tribal funds, generally speaking, is used to supplement the other appropriations in the support and maintenance of the Indians.

There are two other thoughts that I want to suggest. The first is that I have never laid much stress, as some people do, on the preservation of the Indian's property. Of course, I would protect him as far as I reasonably could against his losing it; but instead of stressing this point, I emphasize the development of the Indian. Every Indian should be taught and encouraged in every possible way to become a useful, productive citizen of the United States, and should not be encouraged to remain in idleness renting his property to others. The young should be given industrial training in school and the older ones the practical training upon the farm, as to how to utilize their land, take care of their stock and market their crops.

It is better to point with pride to an Indian personally cultivating 5 or 10 acres of land, than to his remaining in idleness and living on rentals from larger areas. The renting of land allotted to Indians for long periods of time should be discouraged, and the able-bodied Indian should be made to improve and cultivate some of his holdings.

The second suggestion that I want to make is that I have never been in favor of long-distance government. I believe that the Indian Bureau in Washington should exercise a broad general supervision over Indian tribes throughout the United States, but that a larger amount of authority should be given to the local superintendents and that they should be held to a stricter accountability. It is worse than folly for anyone to attempt to justify a central office in Washington 1,500 or 2,000 miles away, supervising administrative details between a superintendent and the individual Indian. It leads to delays. The Indian is discontented and the service is unsatisfactory. The local representative of the Indian Office gets out of the habit of assuming responsibility, passes the matter up to the Indian Office with a long report, and frequently additional reports are called for. All this results in delays of weeks and months upon matters that ought to be settled at once. This is to the Indian's detriment. To argue that a local Federal officer should not be intrusted with more responsibility is to argue against republican government. To follow this to its legitimate conclusion would be to say that you ought not elect a county attorney, as he would not enforce the laws in the county, because he would be influenced by local sentiment; and that you should not elect a local man as county judge, because his decisions would be influenced by the community in which he lives. In every city and town you should send to a distant State for some man to administer their affairs, as no one there could be trusted. There should not be a man in the Government service that is not honest and that has not the strength of character to do the right thing. I have no patience with any man or any department, who is afraid to trust its own employees. No local officer should be afraid to assume responsibility, nor should he be afraid to do the right thing.

Mr. SEARS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety Members, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Butler	Dale	Esch
Babka	Caldwell	Davey	Evans, Nev.
Bacharach	Campbell, Kans.	Davis, Minn.	Fairfield
Baer	Candler	Dempsey	Ferris
Barbour	Cantrill	Denison	Flood
Barkley	Caraway	Dewalt	Foreney
Bell	Carrs	Dickinson, Mo.	Gallagher
Black	Casey	Dickinson, Iowa	Gandy
Blackmon	Clark, Fla.	Dominick	Ganly
Bland, Ind.	Classon	Donovan	Glynn
Bland, Mo.	Cooper	Doolling	Goldfogle
Booher	Copley	Doughton	Good
Bowers	Costello	Dunbar	Goodwin, Ark.
Britten	Crago	Eagan	Gould
Brooks, Ill.	Crisp	Eagle	Graham, Pa.
Brumbaugh	Crowther	Ellsworth	Green, Iowa
Burke	Currie, Mich.	Emerson	Greene, Vt.

Griffin	Linthicum	Olney	Small
Hadley	Little	Overstreet	Smith, III.
Hamill	Loneragan	Padgett	Smith, Mich.
Hamilton	Luhning	Parker	Smith, N. Y.
Harrell	McClintic	Pell	Smithwick
Harrison	McCulloch	Perlman	Snell
Haugen	McDuffie	Phelan	Snyder
Hawley	McGlennon	Porter	Stiness
Hersman	McKeown	Pou	Strong, Pa.
Holland	McKinley	Radcliffe	Sullivan
Hulings	McKinley	Rainey, Ala.	Sweet
Hull, Tenn.	McLane	Rainey, Henry T.	Swope
Husted	McLaughlin, Mich.	Rainey, John W.	Taylor, Ark.
Hutchinson	McPherson	Ramsey	Taylor, Tenn.
Ireland	Magee	Ransley	Timberlake
James, Mich.	Maher	Reber	Timcher
Johnson, S. Dak.	Major	Reed, W. Va.	Towner
Johnston, N. Y.	Mann, S. C.	Riordan	Upshaw
Juul	Martin	Rosenberg	Vare
Kelley, Mich.	Mason	Rose	Voigt
Kelly, Pa.	Mead	Rouse	Volk
Kennedy, Iowa	Merritt	Rowan	Walsh
Kettner	Monahan, Wis.	Rowe	Walters
Kless	Montague	Rubey	Watson
Kincheloe	Moon	Sanders, Ind.	Williams
Kitchin	Mooney	Sanford	Wilson, Ill.
Kieczka	Morin	Scott	Wilson, Pa.
Kreider	Mott	Scully	Winslow
Lampert	Nelson, Wis.	Sells	Wise
Langley	Nicholls	Sherwood	Wright
Layton	Nolan	Sims	
Lehlbach	O'Connell	Sinclair	
Leshner	Oldfield	Sinnott	

The committee rose; and Mr. MADDEN having assumed the chair as Speaker pro tempore, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Indian appropriation bill, and finding itself without a quorum he had caused the roll to be called, when 233 Members answered to their names, a quorum, and he handed in the list of the absentees.

The committee resumed its session.

Mr. ELSTON. Mr. Chairman, how much time remains?

The CHAIRMAN. Twenty-nine minutes.

Mr. ELSTON. Mr. Chairman, I yield 28 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, on Tuesday next the bill apportioning Representatives among the several States is to be considered by this House. The managers on both sides of this bill under general debate have refused me time to speak. Therefore I have been compelled to ask the chairman of the subcommittee on Indian affairs of the Appropriations Committee to give me at least half an hour in which to address the House on one of the most vital questions that can come before this House in this Congress or in any other Congress.

The House of Representatives is about to pass a bill apportioning Representatives among the several States of the Union in accordance with the census of 1920 and section 2, Article I of the Constitution of the United States, which directs that this shall be done every 10 years.

The electoral college for the election of Presidents is constituted of electors equal to the whole number of Senators and Representatives to which a State may be entitled in the Congress.

This bill consequently determines the number of Representatives of which this House shall consist for the next 10 years and determines the number of electors in the electoral college which shall elect the next two Presidents of the United States.

It will be a perilous proceeding in these days of revolt against all law and defiance of constituted authority, equivalent almost to revolution, if representation in this House and in the election of our Presidents is not squarely placed upon a constitutional and lawful basis.

The fourteenth article, in addition to an amendment of the Constitution of the United States, section 2, provides:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State or the members of the legislature thereof is denied to any of the male inhabitants of such State being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

It is under this amendment that the House of Representatives is to proceed to act.

The words "shall be reduced" make this amendment mandatory, and no apportionment of Representatives among the several States can be made unless the House of Representatives in good faith at least has attempted to carry out the constitutional mandate that if the right to vote is denied "or in any way abridged" by any State there shall be a proportionate reduction in representation.

No attempt to carry out this constitutional mandate has been made and no action has been taken. The responsibility for this reprehensible course of conduct falls entirely upon this House of Representatives, which is about to attempt to pass a bill to apportion Representatives without the application of this constitutional command.

Chapter 2, section 22, of the Revised Statutes says:

Should any State deny or abridge the right of any of the male inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens 21 years of age in such State.

H. R. 9389, a bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919, says:

Should any State deny or abridge the right of any of the male inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens 21 years of age in such State.

This consolidation and codification was passed by this House on December 20 last, and if in this apportionment bill now before the House of Representatives no attempt is made in good faith to carry out these directions, the House of Representatives becomes responsible not only for the nullification of the Constitution but for the repudiation of statutory law and of its own legislative action taken within 30 days.

This question and this issue is not a color question nor a race issue, except in a collateral way.

It is a question of constitutional enforcement and equal franchise rights among the several States of the Union under the Constitution.

At the base of this Union of States is the theory of equal power among them and equality in authority under the Constitution; were it otherwise there would be totally destroyed that equilibrium so necessary to the permanency of the Republic. Each of the States must be equally represented in Congress or this equal power and equality in authority is totally extinguished.

Equal representation in the House of Representatives can only mean under the Constitution that all Representatives shall represent equal constituencies of enfranchised voters, because the fourteenth amendment compels a reduction in representation where disfranchisement exists.

This in a finality can only mean that the vote of one citizen in one State shall be equal to the vote of another citizen in another State, so far as representation in Congress is concerned.

If this were not true, then the voters in States where disfranchisement was great would have much greater political power than the voters in States where no disfranchisement existed and consequent disproportionate representation in the Federal Congress.

That this situation exists in the United States to-day no man can deny.

If the fourteenth amendment were not a part of the Constitution it would only be franchise justice and equality to say that no State should receive representation in our Federal Union on a basis of population and then be allowed to disfranchise a part of that population who are citizens.

The nineteenth amendment to the Constitution recently adopted enfranchises all women in the United States, so that the disproportion would now be nearly double between those States which enfranchise its citizens and those which disfranchise its citizens. This makes this issue between the several States of the Union more profound and more vital than ever before in the history of our country.

President Wilson, not later than December 7 last, in his annual message to Congress, said:

Democracy is an assertion of the right of the individual to live and to be treated justly as against any attempt on the part of any combination of individuals to make laws which will overburden him or which will destroy his equality among his fellows in the matter of right or privilege, and I think we all realize that the day has come when democracy is being put upon its final test. The Old World is just now suffering from a wanton rejection of the principle of democracy and a substitution of the principle of autocracy as asserted in the name but without the authority and sanction of the multitude. This is the time of all others when democracy should prove its purity and its spiritual power to prevail. It is surely the manifest destiny of the United States to lead in the attempt to make this spirit prevail.

There are two ways in which the United States can assist to accomplish this great object: First, by offering the example within her own borders of the will and power of democracy to make and enforce laws which are unquestionably just and which are equal in their administration.

I say to you that the essence of the will of democracy is the ballot, and the quintessence of equality in a democracy is an equal ballot, and no laws are just which do not establish, enforce, and protect this right.

The States have full authority over the elective franchise and may make what restrictive laws they wish, limited only by the inhibition of the fifteenth amendment to the Constitution which forbids the denial or abridgment of the franchise by any State by any law "on account of race, color, or previous condition of servitude," which has been decided by the Supreme Court to mean in its expressed terms, not necessarily in its application nor effect, but subject always to the fourteenth amendment, which provides for a reduction in representation for disfranchisement.

The power to reduce representation for disfranchisement is the only repressive force in the Constitution to prevent the institutions of the States from gravitating into oligarchies and aristocracies by limiting the elective franchise to a few of the citizens or to a class.

Shall the House of Representatives "when democracy is being put to a final test" allow aristocracies in States to be established and maintained and at the same time violate a constitutional mandate? If the House of Representatives does so it not only substitutes aristocracy for democracy but destroys democracy. It becomes a handmaid of anarchy and a destroyer of the Constitution it has sworn to obey.

No matter with what intent the fourteenth amendment to the Constitution was added to that instrument, the plain and unequivocal language of that amendment must be obeyed and applied.

This question is not a sectional question nor a sectional issue, nor should the fourteenth amendment be sectional in application. It is a national question and should be national in application. If Massachusetts disfranchises her citizens the reduction in representation should be made in Massachusetts as in any other State, no matter where situated.

President Garfield on the 6th of December, 1871, then a Member of the House of Representatives, said upon the apportionment bill under the census of 1870, the first apportionment after the passage of the fourteenth amendment:

In the State of Massachusetts people are deprived of suffrage on account of inability to read and write. All such persons, under the constitutional amendments which I have indicated, must be subtracted from the total population of Massachusetts before we can know what is her representative population. If in the Southern States men are still denied the right to vote, in consequence of race or color or for lack of property qualification, their total must be reduced accordingly. I do not know how large the sum to be subtracted is in any State. I am aware that the facts were very difficult to ascertain, and perhaps the result may not change the number of Representatives in any State, but it is clear that we ought to have all the facts before we proceed to fix the relative number of Representatives of the States.

And on the 12th day of December Judge Shellabarger, of Ohio, one of the ablest lawyers in the House of Representatives, in delivering a speech on the same subject, said:

Now, I say it was the design of this constitutional amendment, and it was a beneficent one, that wherever a State may choose to do a thing—and the State may do it—the fourteenth amendment does not take away the power to do it. You in Massachusetts may establish your qualification of intelligence, or you in New York and Rhode Island may establish your property qualifications as you may please, but you take the consequences in their effect upon your power in this House. You have your choice. The design of this constitutional amendment was that the poor man, the ignorant man, the colored man, should be secured, should be guaranteed his right to vote; that the States should not deprive him of his right of representation except by taking the consequences of not having in this Hall representation for those of his class.

That is to say, if a State decided that a man is not good enough to vote, the State shall therefore be regarded as saying that he is not good enough to be represented here.

National elections in the United States can no longer be half constitutional and half unconstitutional. There can be no double standard of constitutional enforcement.

The Federal political morality of one State of the Union must be the Federal political morality of all States of the Union.

The very essence of law and order is the enforcement of the fundamental law of the land, which in the United States is the Constitution.

The Congress of the United States has no moral right to ask the citizens of the United States to obey laws which it itself passes when it refuses to obey the plain commands of the Constitution in relation to its own elections and how it shall be constituted. Its acts are vitiated at their source and have little or no moral sanction.

For America to pose before the world as a dictator of international law and order and sponsor of international morality and ethics with her national Representatives elected in flagrant and defiant violation of her Constitution is the height of national hypocrisy and the pinnacle of anarchy.

These things must come to an end or the Republic is destroyed and democracy annihilated.

Mr. ELSTON. Mr. Chairman, I yield back what time I have remaining.

Mr. HASTINGS. Mr. Chairman, I desire to be recognized in my own right.

The CHAIRMAN. The gentleman is recognized.

Mr. HASTINGS. I ask unanimous consent that I may yield of the hour which I understand is given to me.

The CHAIRMAN. That is what we have been doing.

Mr. HASTINGS. I yield 10 minutes to the gentleman from Arizona [Mr. HAYDEN]. [Applause.]

Mr. HAYDEN. Mr. Chairman, I was not aware that the Indian appropriation bill was to come up for consideration in the House to-day, but, nevertheless, I want to submit a few rambling remarks on the method whereby this bill was prepared. I was absent on a tour of the western reservations with the Committee on Indian Affairs when the rules of the House were changed to allow the Committee on Appropriations to appropriate for Indian Affairs, thus taking that jurisdiction away from the Committee on Indian Affairs. I have no complaint to make about the fairness, the care, nor the consideration given by the members of the subcommittee in charge of this bill. I am sure that they performed their duty honestly and faithfully and to the best of their ability, but they have been limited by the rules of the House to such an extent that they have been unable to adequately provide for the Indian Service as it has been cared for heretofore by the Committee on Indian Affairs. Under the rules of the House the committee could not place legislation of any character in this bill, nor could they appropriate for any kind of a new project. It makes no difference how badly a school building is needed, how urgently any kind of a new project is demanded, under the rules and under the instructions given to the subcommittee by the Committee on Appropriations all such requests were absolutely refused.

And what is the result? By the adoption of the new budget committee system, as it has been erroneously called, the Members of the House of Representatives and particularly the members of the committee having knowledge of Indian Affairs have had their hands tied so that only by unanimous consent can they offer any amendment to expedite or improve the business of the Indian Bureau. The practical effect of this change is that Senators in another body must be depended upon to initiate every new activity undertaken by way of an annual appropriation bill, and it is to that point I wish to address myself. I am convinced that this new method which concentrates all the power and authority to make appropriations in one committee will fail to result in any real economy, because there is no check whatever upon another legislative body at the other end of the Capitol. The only way to actually save money for the taxpayers is to provide that a concurrent resolution shall be passed at the beginning of each regular session of Congress which definitely fixes a certain aggregate sum of money to be appropriated for each governmental activity.

If both the House and the Senate should agree in advance that not more than \$500,000,000 should be appropriated for the Army, another half billion for the Navy, a quarter of a billion for sundry civil expenses, fifteen million for the conduct of Indian Affairs, and so on through every branch of the public service, and that the sums as thus agreed upon would be binding upon both the House and the Senate, then a real budget would be established and real economy could be practiced. But as it is the Members of the House are bound by a rule which does not permit the offering of amendments to appropriation bills which provide for new projects. Members of the House can not propose any new activity in the Government service, while Senators in another body are perfectly free to offer such amendments as they see fit.

I have served in this House for nearly nine years, and I can say without fear of successful contradiction that the history of every appropriation bill is that the House has been economical; that under the rules here new projects have been kept out of appropriation bills except in meritorious cases. There is no such strict rule in the Senate. The rules of the Senate permit an amendment to be offered if an estimate has been made in the Book of Estimates, or an amendment may be offered if a bill containing the proposition has been favorably reported by any committee of the Senate.

A study of the appropriations made during any period of years will not fail to demonstrate that the greater increases are almost invariably made in another body and not in the House, and therefore it seems to me that there was no real necessity for the adoption of this so-called budget plan unless it is made applicable to both Houses of Congress. If a budget

resolution was agreed upon by the Senate and House at the beginning of the session showing just how much money is to be devoted to each activity of the Government and the details of making the appropriations within the limits so fixed were distributed among the various committees who by experience and study actually know something about the business to be transacted, undoubtedly the best use would be made of the available sum of money. When an appropriation bill passes the House and the Senate decided upon an increase in one part of the bill, a reduction would have to be made somewhere else in order to keep the total sum appropriated within the limits previously fixed. By no other means will we ever have an effective budget system.

The people of the United States are not going to be deceived very long in the belief that any actual or real economy has been accomplished by the mere adoption of a rule which concentrates in one committee of the House the sole authority to report appropriations when no limitation is placed upon the committees or the Members of the Senate. The American taxpayers will soon discover that in the end they are still paying the same sums as heretofore, because there has been no real or final reduction in appropriations by the body at the other end of the Capitol, but that in fact the Senate has continued to add to the appropriation bills as in the past. All that the Members of this House have accomplished by the adoption of this new Budget Committee plan is to deprive themselves of authority which they have heretofore enjoyed, and whatever power they had to initiate new enterprises has been transferred to the other end of the Capitol.

If during the consideration of this bill in the House a Member from the State of South Dakota, for instance, presents a good case showing that a new building, which has been estimated for by the Interior Department, should be erected at an Indian school in his district, under the rules of the House such an amendment would not be in order. But when this bill is considered by the Senate and the same facts are presented there is no rule which will prevent a vote on the merits of the amendment, and the construction of the new school building will be authorized; but who gets the credit?

Mr. GARRETT. Will the gentleman yield?

Mr. HAYDEN. I yield.

Mr. GARRETT. Unless a Member in the House guards himself very closely, perhaps the Senate will get the credit, but if he does guard the situation closely and such an amendment is put on by the Senate, when it is brought back here he will have to have a separate vote in the House before it can be agreed to.

Mr. HAYDEN. But if the proposition is meritorious in the beginning, if such an improvement ought to be made, and it is generally conceded that it should be made, why should Members of the House tie their hands and by a rule deny themselves the right to legislate?

Mr. MANN of Illinois. Does the gentleman claim there has been any change in the rule at all with reference to adding amendments to the Indian appropriation bill?

Mr. HAYDEN. I do not.

Mr. MANN of Illinois. The rule is just the same as it was before.

Mr. HAYDEN. But the practice is decidedly different, as the gentleman will well realize if he examines this bill.

Mr. MANN of Illinois. An amendment can not be added now that might not have been added before. There has been no change in the rules in that respect.

Mr. HAYDEN. That is very true, but the actual situation is that if a committee having combined jurisdiction over legislation and appropriations reports legislation on an appropriation bill, it is much more likely to have that legislation passed by the House without invoking the rule than a committee whose jurisdiction is strictly confined to appropriations and of which all other committees are jealous if it assumes the power to report legislation.

Mr. MANN of Illinois. That is purely a matter of practice and not a matter of the rules of the House. What the practice will be is problematical.

Mr. HAYDEN. Under the practice of the House new legislation and appropriations for new projects have generally been adopted and carried in appropriation bills by the application of common sense to the rules of the House.

Mr. MANN of Illinois. I do not know that we have lost our common sense. Maybe we have.

Mr. SNYDER. Will the gentleman yield?

Mr. HAYDEN. I yield to my friend from New York.

Mr. SNYDER. I would like to point out one thing to the gentleman. To an appropriation bill coming in as this has done, without legislation on it, a Member may offer an amendment

which is subject to the same point of order as it would be if it was on the other appropriation bill. But everyone in the House knows that that amendment as offered on the floor has not been discussed or investigated by the legislative committee, and therefore there is much more reason for a point of order being made to the amendment than if offered on the floor to a legislative committee appropriation bill.

Mr. MANN of Illinois. Any one Member can make a point of order. That situation still exists. I hope there will be a different practice.

Mr. HAYDEN. The gentleman from Illinois [Mr. MANN] has admitted that there has been a substantial change in the practice of the House with respect to new legislation on appropriation bills since this new rule was adopted, and I would like to inquire of him as an experienced legislator—

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. HASTINGS. Mr. Chairman, I yield five minutes more to the gentleman from Arizona.

Mr. HAYDEN. I would like to hear from the gentleman from Illinois as to what, in his opinion, will be the effect of this new rule, whether it does not reduce the opportunities and the privileges of the Members of the House, and whether it does not actually increase the power exercised by the Senate?

Mr. MANN of Illinois. I am inclined to think it decreases the power exercised by the Senate, because, under the rule, there is a substantial change. If the Senate adds an amendment to this bill which would have been subject to a point of order in the House, it can not be agreed to by the conferees on the part of the House. It must be agreed to in the House itself by a separate vote. I think it takes away largely the power of the Senators.

Mr. HAYDEN. Does the gentleman from Illinois believe that this new rule will actually result in any substantial economy?

Mr. MANN of Illinois. Oh, I did not vote for the rule. I do not know what will be the result. I did not approve of it.

Mr. HAYDEN. I am glad to know the gentleman from Illinois did not approve of the adoption of this rule, and I can further say that there are many other gentlemen in this House who are no better satisfied with it than he is.

Mr. SNYDER. Of course, the gentleman understands the position this bill is in in the House is different from any other bill, inasmuch as there is no new legislation in it. Every amendment that is offered on the floor that contains new legislation is, of course, subject to a point of order the same as it would have been had it been in the other bill.

Mr. HAYDEN. It is obvious that the reason why there is no new legislation in this bill is that if legislation were reported in the bill the House would naturally conclude that the Committee on Appropriations, not being a legislative committee, should therefore not be permitted to report legislation.

Mr. SNYDER. As to the position of the committee and the gentlemen in the House interested in that work, as the matter stands to-day, there is an appropriation bill here, but there is no matter before the Indian Committee in the matter of legislation that ought to be on the bill. Neither did the Appropriations Committee hand over such a bill as that, and no legislation has been sent to it. Therefore, practically, there is no use for the Indian Committee, except for the work it has done in its effort to carry out the investigations.

Mr. GARRETT. Will the gentleman from Arizona yield?

Mr. HAYDEN. Certainly.

Mr. GARRETT. The gentleman from New York [Mr. SNYDER] does not mean to commit himself to the proposition that there is no legislation in this bill?

Mr. SNYDER. Well, I would not say, as I have not read the bill carefully, not having any great interest in it. There may be some matter in it that is legislative.

Mr. HAYDEN. It would be not only useless but foolish to go through the motions of having the Committee on Indian Affairs report out a bill authorizing the construction of a new building at an Indian school and to insist that such a bill receive consideration in the House, when we know that even if it passed the House such a bill would not receive consideration in the Senate, because the body at the other end of the Capitol if it deems such an item to be necessary, will merely insert it in the Indian appropriation bill, which must of necessity become a law before the 4th of March.

Mr. SNYDER. What I mean to say is that the function of the Committee on Indian Affairs to-day, as the matter now stands, is practically eliminated. There is no use for it, and I think it is in the same position as every other so-called legislative committee in this House if you have this appropriating committee constituted as it is, since it has no function except to

appropriate. You might as well discharge all the other committees, and when a bill comes in attempt to put on legislation by amendment. There is no use in having a legislative committee.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. HASTINGS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, in reply to the statement of the distinguished gentleman from New York [Mr. SNYDER], who just stated with assurance that there is no legislation in this Indian appropriation bill prepared by the new Committee on Appropriations, which was to have no legislative power but only appropriating power, I want to point out a few paragraphs that are still legislative and unauthorized by law.

Mr. SNYDER. That may be.

Mr. BLANTON. Take, for instance, at page 13, Indian Service inspectors. There is a paragraph appropriating \$25,000. There is no law authorizing that. Then on page 14 there is a paragraph for vehicles for the Indian Service.

Mr. SNYDER. They were appropriated for in every bill for the last five years.

Mr. BLANTON. Oh, yes; but have never been authorized by any law, yet they involve the expenditure of some thousands of dollars. That is all unauthorized legislation. There is no substantive law authorizing it. Then on page 15 there is a whole paragraph for suppressing contagious diseases among the live stock of Indians, involving an appropriation of \$25,000. That is legislation unauthorized by any substantive law.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment. Then on page 15 is the whole paragraph for developing water for Indian stock, involving \$50,000 more. That is legislation that has no substantive law authorizing it. And so on throughout the bill. The gentleman's answer is that they are items that have been carried in appropriations without law authorizing it year after year. I grant that.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. This is what the gentleman was trying to ask me.

Mr. SNYDER. Oh, no.

Mr. BLANTON. Still they are items of legislation on an appropriation bill, right in the face of the assurance which the members of the Committee on Appropriations gave us that they would not put legislation on the appropriation bills.

Now I yield to the gentleman.

Mr. SNYDER. Of course, I am not certain that the gentleman is any more sure of the statement that he has made than I am of the one that I have made.

Mr. BLANTON. If there is a man of the gentleman's party who says he knows the fact who will get up and say that there is any substantive law authorizing the items I have mentioned, I will now yield to him. The men in charge of the bill know it; they are just items of appropriation in the way of legislation that have been carried in this bill from year to year without authority of law.

What I am trying to get at is this: Let us confine this new Committee on Appropriations, which has taken away all the appropriating power from all the other committees of this House, to appropriations and nothing else. We must hold them down and not let them assume legislative authority, for if they continue to assume and arrogate to themselves authority and power in this House it will mean that the House of Representatives in the next Congress is going to be a House of 35 Members, no matter how many Members you may increase it to under the proposed Siegel bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. CANNON. These various provisions in this bill, if not authorized by legislation, are subject to a point of order. The Committee on Indian Affairs has legislative power, and they can sit and report a bill covering these matters.

Mr. BLANTON. Oh, yes; but we do not want to put them to the trouble of doing that. I am not going to make a point of order against any of these items, because they are items which will properly be expended for the Indians, and I do not want to put the legislative committee to the trouble of holding hearings and preparing and introducing bills covering these items.

But it is the principle of the thing that I am objecting to. It is the assumption, and the continued assumption, of power by this great Committee on Appropriations that I am protesting against.

Mr. CANNON. The legislative committee can make a point of order on these items, and they can consider matters of legislation. Legislation and appropriation ought not to go together.

Mr. BLANTON. They ought not to; I am glad that the gentleman agrees with me on this subject.

Mr. CANNON. Very well. Then abolish the Committee on Indian Affairs, if it is not going to perform its functions. Abolish it, and create a new committee that will perform its functions.

Mr. BLANTON. Some of the members of the Committee on Indian Affairs that I know are among the most responsible and active and able Members of this House, and if given a chance they would function.

Mr. CANNON. Have they considered these various matters on these bills?

Mr. BLANTON. Yes; but in former appropriation bills only.

Mr. CANNON. But are those matters covered in bills that are on the calendar?

Mr. BLANTON. No. These items have been carried on year after year unauthorized by law. It was the policy I was speaking against and registering my protest against.

Mr. CANNON. Does the gentleman desire the Committee on Indian Affairs to be an appropriating as well as a legislative committee?

Mr. BLANTON. No. I was in favor of and voted for this change, but I hoped when I voted for it that the Committee on Appropriations would confine itself to appropriations and let legislation alone, and not assume authority it did not possess.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GALLIVAN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three Members are present, a quorum. The Clerk will read.

Mr. HASTINGS. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, I want to express my hearty approval of all that has been said by the gentleman from Arizona [Mr. HAYDEN] and the gentleman from New York [Mr. SNYDER] in regard to the difficulty of getting before this House the consideration of meritorious legislation, which sometimes, it seems, must come in the form of an amendment.

At this particular time I also want to say that I am in full sympathy with this committee and with every other committee that is endeavoring to cut down appropriations, speaking by and large; but there are times when the cutting of appropriations can act as a distinct injury to meritorious undertakings in this country which should not be handicapped, not even at this time; and one of these, I believe, is the Wapato Indian project, a part of the Yakima Indian Reservation, in the State of Washington.

There are in this project 70,000 acres of land under cultivation, which produced last year between \$9,000,000 and \$11,000,000 worth of crops. The great State of Illinois or the great State of Iowa or any of the other great States of this Union can not compare with the production per acre of the Wapato Indian project during the last few years.

The act of August 1, 1914, provided water for 40 acres of each Indian allotment within the 120,000 acres known as the Wapato project. The acreage irrigated in 1920 was approximately 70,000 acres. All lands in white ownership have signed water-right applications, agreeing to pay for both the construction charges and the storage charges. Approximately \$125,000 is now being collected at the rate of \$5 per acre to repay the irrigation cost. There yet remains 50,000 acres that can not make use of any of the water, provisions for which was made in the act of August 1, 1914. Other lands now irrigated are badly in need of drainage.

It is believed that the total acreage cost of this project, including storage, will not exceed \$50 per acre. It is the cheapest project of any size in the Northwest, if not the entire West. There is a demand for land as fast as water is provided.

You must understand that this land without irrigation is worth a mere bagatelle—\$3 or \$5 per acre.

An irrigation program of \$500,000 a year for three years would complete this project at minimum cost. Equipment is now on the job and able to carry out the program outlined above. Some of the water will be used over the second time by collecting the drainage water, which now goes to waste.

I want to bring to your attention the testimony of Mr. Meritt, Assistant Commissioner of Indian Affairs, before the Indian

Subcommittee on Appropriations. He asked for an appropriation of \$350,000. The committee have seen fit to reduce this to \$250,000. He said:

The appropriation asked for is desired to enlarge the existing system so as to supply water to additional lands, particularly for the construction of 26 miles of lateral, distributing works, and drainage system. It is estimated that this alone will cost approximately \$325,000. Funds will also be needed, of course, for the usual operation and maintenance expense.

This is one of the very best irrigation projects in the Indian Service; the land is exceedingly valuable when placed under irrigation and the amount of crops produced on that reservation is enormous.

Mr. ELSTON. Is there any question about reimbursement?
Mr. MERITT. No, sir; the land is worth anywhere from \$200 to \$1,000 an acre, and the land is held responsible for the construction charges.

Mr. ELSTON. Is the land owned by the Indians or has that reservation been broken up?
Mr. MERITT. The land has been opened to settlement and part of the land has been acquired by white owners.

Mr. ELSTON. And this system extends over all of the lands?
Mr. MERITT. Yes, sir.

Mr. ELSTON. It covers the whole area?
Mr. MERITT. It covers part of the Yakima Reservation.

Mr. ELSTON. How much is used for maintenance and operation?
Mr. MERITT. About \$80,000.

Mr. ELSTON. Then a large part of this appropriation will be used to extend the project?
Mr. MERITT. Yes, sir.

Mr. HASTINGS. That is, the remainder of the \$325,000?
Mr. MERITT. Yes, sir.

Mr. HASTINGS. In other words, about \$245,000 or thereabouts?
Mr. MERITT. Yes, sir.

Mr. REED, the chief engineer of the Indian Service, testified:

I might say that on the Yakima Reservation as rapidly as the land is supplied with irrigation facilities it is put under cultivation. You will note that last year we had a report that a little over 1,000 acres were not under cultivation; that came about as the result of the project having reached this land later than it was advisable to put in crops for that year; the farming operations are keeping right up on the heels of construction and there is always a clamor for more. It is one of the great producing sections of the Northwest, and it seems economic waste not to have this land produce when the project is so well along.

Mr. ELSTON. How successful are you in making collections in the way of reimbursement of principal and maintenance?
Mr. REED. We are just beginning this year; the accounts are due now, but we have not had a report; we commenced in December to make the collections for this year; on the maintenance and operation, so far as the white men are concerned, we have collected from them right up to date; the Indians, where their land is leased, also pay, for the reason that in the lease is placed a clause that covers the payment of that by the white people who lease the land. Some of the Indians who have irrigated have not paid yet, because they are not quite as successful and did not get started as well, but I have no doubt but what they will pay. So that we are very successful in collecting our maintenance and operation charge and we are just beginning to collect our construction charge.

Mr. ELSTON. About how much, on the average, goes into the United States Treasury?
Mr. REED. Last year we collected \$5 on all the white owners' lands, and according to my last report there were about 30,000 acres, so that at \$5 it would mean \$150,000.

Mr. ELSTON. What would you say could be expected during the fiscal year for which this appropriation is made; that is, how much you would expect to get in the way of collections?
Mr. REED. I should say at least \$150,000.

Mr. ELSTON. Of course, the rate of collection should increase tremendously in the next three years and it should overtake not only the current appropriations but should apply on the back amounts appropriated.
Mr. REED. It will.

Now, gentlemen, here is a project for which there is an authorization of law for the supplying of water to these 40-acre units allotted to the Indians. It is testified to as being one of the most productive Indian projects in the United States; that the land after the water goes onto it is worth from \$200 to \$1,000 per acre; that the crops last year amounted to from \$9,000,000 to \$11,000,000 on something like 70,000 acres.

It seems to me that in this instance we would be justified in appropriating the amount of money, \$350,000, which was asked by the commissioner. This, by the way, is several hundred thousand dollars less than they actually need. The recommendation was made to the department by the local engineer on the project that there be something over \$800,000 expended on the project in the next year.

At the proper time I contemplate offering an amendment to increase this to the amount asked by the Commissioner of Indian Affairs, and I simply take this occasion to lay before you the facts in regard to this project. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices and salaries which are provided for herein for the service of the fiscal year ending June 30, 1922, namely:

Mr. ELSTON. Mr. Chairman, I move that the committee do now rise.
The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Fess, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the Indian appropriation bill, H. R. 15682, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. OVERSTREET, indefinitely, on account of important business.

ADJOURNMENT.

Mr. ELSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until Saturday, January 15, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

338. A letter from the Secretary of the Treasury, transmitting items in connection with immigrant stations under the control of that department; to the Committee on Public Buildings and Grounds.

339. A letter from the Secretary of the Treasury, transmitting items in connection with hospitals, etc., under control of the Public Health Service; to the Committee on Public Buildings and Grounds.

340. A letter from the Secretary of the Treasury, transmitting communication from the Assistant Secretary of the Navy, submitting an estimate of appropriation to pay claim for damages by naval vessels adjusted by the Navy Department (H. Doc. No. 979); to the Committee on Appropriations and ordered to be printed.

341. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of the Interior, submitting a supplemental estimate of appropriation required by the Freedmen's Hospital, Washington, D. C., for necessary fuel, fiscal year 1921 (H. Doc. No. 980); to the Committee on Appropriations and ordered to be printed.

342. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting report of that corporation for the year 1920; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15663) to reorganize the Indian Service, to expedite the settlement of Indian affairs, and for other purposes, reported the same with amendments, accompanied by a report (No. 1189), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 15678) for the relief of Oliver A. Campbell, reported the same without amendment, accompanied by a report (No. 1188), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 2274) for the relief of the owners of the schooner *Charlotte W. Miller*, reported the same with an amendment, accompanied by a report (No. 1190), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15575) for the relief of Dampskibsselskabet Dannebrog, owner of the Danish steamship *Flynderborg*, reported the same without amendment, accompanied by a report (No. 1191), which said bill and report were referred to the Private Calendar.

Mr. REED of New York, from the Committee on War Claims, to which was referred the bill (H. R. 10635) for the relief of Vincent L. Keating, reported the same without amendment, accompanied by a report (No. 1192), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORES of Indiana: A bill (H. R. 15726) to prohibit the withholding from retired Government employees who may have been reemployed in the Government service any part of their retirement annuities or other pay for service since retirement, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. BUTLER: A bill (H. R. 15727) authorizing the disposition of certain lands, title to which was acquired by the United States for naval purposes during the war, which lands are no longer needed for naval purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 15728) authorizing the President to requisition fuel necessary to maintain the Navy, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 15729) authorizing the removal of the War College, Rhode Island, to the District of Columbia; to the Committee on Naval Affairs.

Also, joint resolution (H. J. Res. 447) to provide a commission to inquire into and submit recommendations to Congress relative to the advisability of erecting a naval museum in Washington, D. C.; to the Committee on Naval Affairs.

Also, joint resolution (H. J. Res. 448) to provide a commission to inquire into and submit recommendations to Congress relative to the necessity and advisability of erecting a new chapel at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. GANDY: Memorial of the Legislature of the State of South Dakota, in extraordinary session at Pierre, S. Dak., on the 25th day of June, 1920, urging the repeal of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of South Dakota, at the sixteenth session thereof, urging legislation for the stabilization of the prices of farm products; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of South Dakota, at the sixteenth session thereof, urging that a reasonable amount of money be appropriated to indemnify and reimburse the owners of flooded lands at Lake Andes, S. Dak., and that no action be taken or money expended for the draining or lowering of said lake; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 15730) to provide for the retirement, as second lieutenant of Field Artillery in the Army, of Cadet Frederick S. Warren; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 15731) granting an increase of pension to Jerry Fitzpatrick; to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 15732) granting a pension to Amanda J. Gilmore; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 15733) granting a pension to Ellen E. Brock; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15734) granting a pension to Sarah McGowan; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 15735) granting a pension to Daniel Lynch; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 15736) granting a pension to Lee F. Pixley; to the Committee on Pensions.

By Mr. KLECZKA: A bill (H. R. 15737) for the relief of Maj. F. Ellis Reed; to the Committee on War Claims.

By Mr. LANHAM: A bill (H. R. 15738) granting an increase of pension to John A. Poe; to the Committee on Pensions.

By Mr. MICHENER: A bill (H. R. 15739) granting a pension to Mary Collum; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 15740) granting a pension to Florence Whitaker; to the Committee on Invalid Pensions.

By Mr. PARRISH: A bill (H. R. 15741) for the relief of Ella Allison; to the Committee on Claims.

By Mr. HENRY T. RAINEY: A bill (H. R. 15742) granting an increase of pension to Amanda Baird; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 15743) granting a pension to Alice Dunbar; to the Committee on Invalid Pensions.

By Mr. SVOPE: A bill (H. R. 15744) granting a pension to Charity A. Freeman; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 15745) granting a pension to John A. Thomas; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4958. By Mr. BRINSON: Petition of sundry citizens of the third district of North Carolina, urging that relief be granted the starving people of China; to the Committee on Foreign Affairs.

4959. By Mr. BURROUGHS: Petition of Zetta Learmonth, recording secretary of the Woman's Christian Temperance Union of Manchester, N. H., indorsing the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4960. By Mr. CARSS: Petition of the Commercial Club of Duluth, Minn., favoring appropriation for the improvement of the mouth of the Mississippi River; to the Committee on Rivers and Harbors.

4961. By Mr. CURRY of California: Petition of the California State Rural Letter Carriers' Association, favoring a salary adjustment which will equalize the pay of both city and rural carriers; to the Committee on the Post Office and Post Roads.

4962. By Mr. DALLINGER: Petition of Cambridge Central Labor Union, of Cambridge, Mass., favoring trade relations with the Russian Government; to the Committee on Interstate and Foreign Commerce.

4963. By Mr. DYER: Petition of M. W. Schmidt, N. C. Barek, and J. J. Ehresmann, protesting against the occupation of Germany by French territorials; to the Committee on Foreign Affairs.

4964. Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring the erection of a transfer grain elevator at St. Louis; to the Committee on Agriculture.

4965. Also, petition of the Cal Hirsch & Sons Mercantile Co., of St. Louis, Mo., in support of House bill 11716; to the Committee on War Claims.

4966. Also, petition of the National Surety Co. of New York, favoring an appropriation of more than \$10,000 for the continuance of the section of surety bonds of the Treasury Department; to the Committee on Appropriations.

4967. Also, petition of the St. Louis Screw Co., urging the Treasury ruling against partial payment of Interstate Commerce Commission certificates be withdrawn; to the Committee on Interstate and Foreign Commerce.

4968. Also, petition of the American Car & Foundry Co., of St. Louis, Mo., favoring the passage of House bill 15551; to the Committee on Interstate and Foreign Commerce.

4969. Also, petition of the St. Louis Public School Patrons' Alliance, in support of the Smith-Towner bill; to the Committee on Education.

4970. Also, petition of the American Car Foundry, of St. Louis, Mo., favoring the passage of House bill 15551, introduced by Mr. WINSLOW; to the Committee on Interstate and Foreign Commerce.

4971. Also, petition of Rev. H. V. Ceré, requesting aid for Albanian missions; to the Committee on Foreign Affairs.

4972. Also, petition of John J. Kain Council, No. 828, Knights of Columbus, protesting against the enactment of the Smith-Towner bill; to the Committee on Education.

4973. Also, petition of Mr. Charles Ripplin, of St. Louis, Mo., regarding proposed reduction in rates from western grain fields to eastern seaboard territory on grain and grain products; to the Committee on Interstate and Foreign Commerce.

4974. By Mr. GALLIVAN: Petition of the J. L. Mott Iron Works, Boston, Mass., favoring the emergency deficiency bill; to the Committee on Appropriations.

4975. Also, petition of the Brooks Barley Co., favoring a high tariff on Robinson's patent barley; to the Committee on Ways and Means.

4976. Also, petition of David Barry and the Worcester Polytechnic Institute, favoring an appropriation for carrying on the work of stream gauging; to the Committee on Rivers and Harbors.

4977. Also, petition of Frank T. Widmer, manufacturing jeweler, and the Frank N. Nathan Co., both of Boston, Mass., protesting against any further increase in the tax on jewelry; to the Committee on Ways and Means.

4978. Also, petition of the Lowell-Oakland Co., distributors of Oaklands and Clydesdales, Lowell, Mass., favoring a large appropriation for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

4979. By Mr. GANDY: Resolutions by the Board of Commissioners, Pennington County, S. Dak., urging larger appropriations of moneys for the construction of roads and trails within the national forests; to the Committee on Agriculture.

4980. By Mr. LONERGAN: Petition of the Women's Club, of Enfield, Conn., opposing House bill 12466; to the Committee on the Public Lands.

4981. Also, petition of the Daughters of the American Revolution, Connecticut Branch, favoring House bill 12562; to the Committee on Education.

4982. By Mr. MACGREGOR: Petition of 1,098 citizens of the State of New York, protesting against the presence of French Negro troops in German territory; to the Committee on Foreign Affairs.

4983. By Mr. MICHENER: Petition of sundry citizens of Dundee, Mich., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

4984. By Mr. MURPHY: Memorial of the Travelers' Club of Salem, Ohio, opposing the passage of the so-called chiropractic bill; to the Committee on Interstate and Foreign Commerce.

4985. Also, memorial of the Travelers' Club of Salem, Ohio, praying for the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4986. By Mr. O'CONNELL: Petition of the Commercial Telegraphers' Union of America, opposing the passage of H. R. 14657; to the Committee on Agriculture.

4987. Also, petition of the World Metric Standardization Council, San Francisco, Calif., favoring the passage of H. R. 15420, for the establishment of the decimal metric system of weights and measures; to the Committee on Coinage, Weights, and Measures.

4988. Also, petition of the American Exporters and Importers' Association, New York, urging moderation in increasing duties on imports, depending instead on sales tax for revenue; to the Committee on Ways and Means.

4989. By Mr. SINCLAIR: Petition of the North Dakota Federation of Women's Clubs, favoring Smith-Towner bill; to the Committee on Education.

4990. Also, petition of the Women's Nonpartisan Club, of Emerson, N. Dak., favoring the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

4991. By Mr. SNYDER: Petition of the Chamber of Commerce, of Ilion, N. Y., urging the erection of a Federal building at that place; to the Committee on Public Buildings and Grounds.

4992. By Mr. TEMPLE: Petition of the Twentieth Century Club, of Rochester, Pa., favoring the passage of the Smith-Towner bill (H. R. 7 and S. 1017); to the Committee on Education.

4993. Also, petition of the Twentieth Century Club, of Rochester, Pa., favoring the passage of the Sheppard-Towner bill (H. R. 10925 and S. 3259); to the Committee on Interstate and Foreign Commerce.

4994. Also, petition of the Twentieth Century Club, of Rochester, Pa., opposing the passage of House bill 12466; to the Committee on the Public Lands.

4995. By Mr. TINKHAM: Petition of the Associated Industries of Massachusetts, favoring the passage, without riders, of the Nolan bill (H. R. 11984); to the Committee on Patents.

4996. By Mr. WATSON: Petition of the Ministerial Union of Philadelphia and vicinity, urging the passage of the Jones-Miller bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, January 15, 1921.

(Legislative day of Thursday, January 13, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM IDAHO.

Mr. BORAH. Mr. President, the credentials of Mr. GOODING, appointed to succeed Mr. NUGENT, are upon the desk, and I understand they have already been read. Mr. GOODING is present and ready to take the oath.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Senator appointed will present himself at the Vice President's desk and take the oath of office.

Mr. GOODING, escorted by Mr. BORAH, advanced to the Vice President's desk, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

CREDENTIALS.

Mr. McCUMBER. Mr. President, I file and ask to have read the credentials of Mr. LADD, elected a Senator from the State of North Dakota.

The Assistant Secretary read the credentials, and they were ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION, STATE OF NORTH DAKOTA.

At an election held on the 2d day of November, 1920, E. F. LADD was duly elected to the office of United States Senator to represent the State of North Dakota for the term of six years, commencing the 4th day of March, 1921.

Given at Bismarck this 8th day of December, 1920.

[SEAL.]

LYNN J. FRAZIER,
Governor.
THOMAS HALL,
Secretary of State.

Attest:

KARL R. KORITZKY,
Member of State Board of Canvassers.

Mr. SIMMONS. Mr. President, I wish to present the certificate of election of my colleague, Mr. OVERMAN, to a full term in the Senate, beginning March 4 next. I ask that the certificate be read, filed, and take the usual course.

The Assistant Secretary read the credentials, and they were ordered to be placed on file, as follows:

EXECUTIVE DEPARTMENT,
State of North Carolina.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, LEE SLATER OVERMAN was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

Witness his excellency our governor, Cameron Morrison, and our seal hereto affixed at Raleigh, this 12th day of January, A. D. 1921.

[SEAL.]

CAMERON MORRISON,
Governor.

By the governor:

J. BRYAN GRIMES,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented memorials of the Penelopian Club, of Cadillac; the Rotary Club, of Muskegon; and the Detroit Federation of Women's Clubs, of Detroit, all in the State of Michigan, remonstrating against the enactment of legislation commercializing the national parks, which were referred to the Committee on Commerce.

He also (for Mr. NEWBERRY) presented resolutions adopted by the Michigan State Farm Bureau, of Lansing, Mich., and the executive committee of the St. Clair County Farm Bureau, of Port Huron, Mich., favoring the so-called truth-in-fabric bill, which were referred to the Committee on Interstate Commerce.

He also (for Mr. NEWBERRY) presented a petition of sundry citizens of Cadillac, Mich., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4853) to prohibit smoking in buildings owned by the Government of the United States and used by any executive department or independent establishment of the Government; to the Committee on Appropriations.

By Mr. McCUMBER:

A bill (S. 4854) granting an increase of pension to Anna T. Barclay; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 4855) granting an increase of pension to Hulda A. Freer; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4856) to amend an act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (with accompanying papers); to the Committee on Naval Affairs.

By Mr. HARRIS:

A bill (S. 4857) for the relief of the Gadsden Contracting Co.; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4858) for the relief of Iva Lee; to the Committee on Claims.

HOUSE BILL REFERRED.

The bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.